ORDINANCE NUMBER 06-11-2026

PERRY TOWNSHIP, LAWRENCE COUNTY, PENNSYLVANIA

AN ORDINANCE GOVERNING ON-LOT SEWAGE DISPOSAL FACILITIES; REQUIRING SEWAGE FACILITY PLANNING; REGULATING DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, ALTERATION, REPAIR AND REPLACEMENT OF SUCH FACILITIES; REQUIRING REPLACEMENT AREAS, GROUND MARKERS, ACCESS HATCHES AND INSPECTION PORTS; AUTHORIZING ADMINISTRATION AND INSPECTION FEES; PROVIDING EXEMPTIONS, APPEAL AND ENFORCEMENT PROCEDURES, AND PENALTIES FOR VIOLATIONS.

IT IS HEREBY ORDAINED by the Board of Supervisors of Perry Township, Lawrence County, Pennsylvania, as follows:

§ 1. GENERAL PROVISIONS.

1.01. Short. Title. This Ordinance shall be known and may be cited as the "Perry Township On-Lot Sewage Disposal System Ordinance."

1.02. Authority. In accordance with the Second Class Township Code (53 P.S. §65101 et seq.), Pennsylvania Sewage Facilities Act (35 P.S. §750.1 et seq.), and the Clean Streams Law (35 P.S. §691.1 et seq.), it is the power and the duty of Perry Township to provide for adequate sewage treatment facilities and provide for the protection of the public health by preventing the discharge of untreated or partially treated sewage to the surface of the ground or waters of the Commonwealth.

1.03. Purpose.

(a) The purpose of this Ordinance is to protect the public health by preventing the discharge of untreated or partially treated sewage to the surface of the ground or waters of the Commonwealth; provide for the regulation, inspection, maintenance, and rehabilitation of on-lot sewage disposal systems; establish administration, permitting, inspection, and enforcement procedures; establish penalties and appeal procedures; and to permit intervention in situations which may constitute a public nuisance or hazard to the public health.

(b) Additionally, this Ordinance is intended to implement the provisions of the Pennsylvania Sewage Facilities Act, and the Clean Streams Law, and the regulations and standards promulgated by the Pennsylvania Department of Environmental Protection (PADEP) pursuant thereto.

1.04 Applicability. This Ordinance shall apply to all persons owning any property serviced by an on-lot sewage disposal system and all persons installing, modifying or rehabilitating an on-lot sewage disposal system in Perry Township.

§ 2. DEFINITIONS.

2.01. The following words and phrases shall have the meanings set forth herein unless the context of the use thereof shall dictate another interpretation:

Act 537: The Pennsylvania Sewage Facilities Act (35 P.S. §750.1, et seq.), as amended.

Aerobic Treatment Tank: Aerobic treatment tanks provide for aerobic biochemical stabilization of sewage by bacteria (reduction of BOD_5 and suspended solids) by mechanically introducing air into the sewage during the detention period provided in the aeration unit.

Alternate Sewage System: A method of demonstrated on-lot sewage treatment and disposal not described in the regulations promulgated by PADEP pursuant to Act 537.

Board: The Board of Supervisors, Perry Township, Lawrence County, Pennsylvania.

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 and/or disposal of the sewage on one or more of the lots or at any other site.

Conventional Sewage System: Any system employing the use of demonstrated on-lot sewage treatment and disposal technology in a manner specifically recognized in the regulations promulgated by PADEP pursuant to Act 537. This term does not include Alternate Sewage Systems or Experimental Sewage Systems.

Experimental Sewage System: A method of on-lot sewage treatment and disposal not described in the regulations promulgated by PADEP pursuant to Act 537 which is proposed for the purpose of testing and observation.

Holding Tank: A watertight receptacle which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate ultimate disposal of the sewage at another site.

Immediate Family Member: Limited to mother, father, brother, sister, son, daughter, or grandparent. See also **Subsection 407(a)(1)(3)**.

Individual Sewage System: 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 or into waters of the Commonwealth or by means of conveyance to another site for final disposal.

Individual Residential Spray Irrigation System (IRSIS): An individual sewage system which serves a single dwelling, and which treats and disposes of sewage using a system of piping, treatment tanks, disinfection, and soil renovation through spray irrigation.

Large Volume On-Lot Sewage System: An individual or community on-lot sewage system with a design capacity to discharge subsurface sewage flows which are in excess of 10,000 gallons per day.

Lot: A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future.

Malfunction: A condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into the waters of the Commonwealth, backs up into a building connected to the system, or in any manner causes a nuisance or hazard to the public health or pollution of ground or water or contamination of public or private drinking water wells. Systems shall be considered malfunctioning if any condition noted above occurs for any length of time during any period of the year.

New System: An on-lot sewage disposal system installed or constructed on a property where a system did not previously exist before the effective date of this Ordinance. The term does not include a rehabilitated system.

Official Sewage Facilities Plan: A comprehensive plan for the provision of adequate sewage disposal systems adopted by the Board and approved by PADEP, pursuant to Act 537.

On-Lot Sewage Disposal System: A sewage system which uses a system of piping, tanks, or other facilities for collecting, treating and disposing of sewage into a soil absorption area or spray field, or by retention in a retaining or holding tank. The term includes both Individual Sewage Systems and Community Sewage Systems.

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

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 United States, Commonwealth, political subdivision, municipality, district, authority, or any other legal entity which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or a fine or imprisonment, the term includes 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.

Planning Module for Land Development: A revision to, or exception to the revision of, the Township's official sewage facilities plan submitted in connection with the request for approval of a subdivision or land development in accordance with PADEP regulations.

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

Replacement Area: An area designated as the replacement location of an individual on-lot sewage system soil absorption area, in accordance with PADEP regulations.

Retaining Tank: A watertight receptacle which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes the following:

(i) Chemical Toilet – A permanent or portable non-flushing toilet using chemical treatment in the retaining tank for odor control.
(ii) Privy – A tank designed to receive sewage where water under pressure is not available.
(iii) Incinerating Toilet — A device capable of reducing waste materials to ashes.
(iv) 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.
(v) Recycling Toilet– A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

Septage: The waste or sewage in a septic tank.

Septic Tank: A water-tight tank designated to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place, such term shall include Treatment Tank.

Sewage: Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and 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 or which constitutes pollution under the Clean Streams Law (35 P.S. § 691.1 et seq.), as amended.

Sewage Enforcement Officer (SEO): A person certified by PADEP and employed by Township, who reviews sewage permit applications and sewage facilities planning modules, issues permits as authorized by Act 537, the regulations and standards promulgated under Act 537 and this Ordinance, and conducts investigations, inspections, and all other activities that are necessary to implement Act 537, the regulations and standards promulgated by PADEP pursuant to Act 537, and this Ordinance. The term shall include the Alternate Sewage Enforcement Officer.

Sewage Facilities Planning Module: A proposed revision to, or exception to the revision of, the Township's Official 537 Plan to provide for additional, newly identified, or future sewage needs.

Subdivision: The division or re-division of a lot, tract or other parcel of land into two or more lots, tracts or 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: Perry Township, Lawence County, Pennsylvania.

Treatment Tank: See SEPTIC TANK.

Waters of the Commonwealth: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof, and as defined by the Clean Streams Law.

2.02. For the purpose of this Ordinance, any term which is not defined herein shall have that meaning attributed to it under Act 537, and/or the regulations and standards promulgated by PADEP pursuant to Act 537.

3. PLANNING MODULES.

3.01. Sewage permits for on-lot sewage disposal systems may not be issued by the SEO until a Sewage Facilities Planning Module, if required by PADEP, for the system has been approved by PADEP.

3.02. Final subdivision or land development approval under the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq., may not be given by the Board until a Sewage Facilities Planning Module for the subdivision or land development is approved by PADEP. In addition, the Township may require that residual tracts, existing structures and/or existing on-lot sewage disposal systems in a proposed subdivision or land development be inspected and/or tested by the SEO prior to granting final plan approval.

3.03. No building permit may be issued by the Township and no work shall begin on any new or expanded building or structure which will utilize an on-lot sewage disposal system until a Sewage Facilities Planning Module, if required by PADEP, has been approved by PADEP and an appropriate sewage permit has been issued by the SEO.

3.04. No building permit may be issued by the Township and no work shall begin on any alteration or conversion of any existing building or structure, if the alteration or conversion will result in the increase or potential increase of sewage flows from the structure, until a Sewage Facilities Planning Module, if required by PADEP, has been approved by PADEP and the SEO issues either a permit for the alteration or replacement of the existing sewage disposal system or written notification that a permit will not be required. The SEO shall determine whether the proposed alteration or conversion will result in increased sewage flows.

3.05. No occupancy permit may be issued by the Township for the occupancy of any new or expanded building or structure which will utilize an on-lot sewage disposal system until the SEO has informed the Township that the sewage disposal system is complete, properly operating, and has passed final inspection.

3.06. No occupancy permit may be issued by the Township for the occupancy of any altered or converted building until the SEO has informed the Township that the sewage disposal system is complete, properly operating, and has passed final inspection or that no such certification is necessary.

3.07. Planning Exemption – Medical Hardship.

(a) An owner of a parcel, who permanently resides on the parcel, may apply to the Board for an exemption from the planning requirements of this Section in order to install a mobile home on the parcel, without subdividing the parcel, to accommodate the medical hardship of an immediate family member, and connect the mobile home to the existing on-lot sewage system serving the primary residence on the parcel during the period of occupancy by the immediate family member.

(1) The mobile home must be used as the primary residence of an immediate family member with a medical hardship and the owner of the parcel must be providing medically necessary and physician recommended personal care services to the immediate family member residing in the mobile home.

(2) Sewage flows from the mobile home may not exceed 400 gallons per day.

(b) Application for a sewage planning exemption for the mobile home shall be made by the property owner to the Township, on a form provided by the Township. The Township may require additional or supplemental information to assure that the on-lot sewage system and/or the site will comply with the requirements of this Section.

(1) The owner must attach to the application, on a form provided by the Township, a recommendation from a licensed physician that the immediate family member's physical condition requires that they receive health related care and services (e.g., administering medications, meal preparations, housekeeping, etc.) that can be provided at home by an immediate family member.

(2) The owner of the parcel must enter into an agreement with the Township, on a form provided by the Township, stipulating that the mobile home will be removed from the property whenever either the immediate family member vacates the mobile home, or the immediate family member no longer requires at-home personal care services, whichever occurs first.

(c) All hardship exemptions granted by the Board will be specific to the applicant, applicant's immediate family member, and the mobile home and are not transferrable to other parties or other structures.

(d) All hardship exemptions granted by the Board shall expire one (1) year from the date of issuance or immediately upon the property owner or the immediate family member receiving personal care services vacating one of dwelling units or the immediate family member receiving at-home care no longer requires such services, whichever occurs first. Applications for annual renewal of a medical hardship exemption requests shall be submitted to the Township on forms provided by the Township. The owner must attach to the renewal application, on a form provided by the Township, a current recommendation from a licensed physician that the immediate family member's physical condition requires that they receive health related care and services that can be provided at home by an immediate family member.

(e) Applicants for a hardship exemption and annual renewals shall pay, in full, such application and inspection fees, in amounts to be determined by the Board by resolution and as amended from time to time, to the Township at the time the application is submitted to the Township.

(f) Applicants for a hardship exemption shall notify the Township of the schedule for installation of the mobile home so that appropriate inspections and testing of the existing on-lot sewage disposal system may be scheduled and performed by the Township.

(g) The SEO shall confirm that the application is complete and shall visit the site and, at a minimum, perform a dye test and visual inspection of the existing system.

(h) No occupancy permit for the mobile home may be issued by the Township for the occupancy of the dwelling until the SEO has informed the Township that the sewage disposal system is complete, properly operating, and has passed final inspection.

(i) Applicants for an annual renewal of a hardship exemption shall schedule an inspection of the existing on-lot sewage disposal system prior to final action on the renewal application by the Township. At a minimum, the SEO is required to perform a visual inspection of the existing system.

§ 4. SEWAGE PERMITS.

4.01. Sewage permits for on-lot sewage disposal systems shall be issued only by the SEO appointed by the Board.

4.02. No person may install, construct, or award a contract for the installation or construction of an on-lot sewage disposal system, without first obtaining a sewage permit from the SEO.

4.03. Sewage permits shall not be issued for any lot(s) created by subdivision, lot consolidation or lot line revision plans approved after the effective date of this Ordinance unless the lot(s) has/have a minimum area of two (2) acres.

4.04. No person may rehabilitate or award a contract to rehabilitate an existing on-lot sewage disposal system, without first obtaining a sewage permit from the SEO.

4.05. No person may install, construct, or award a contract for the installation or construction of a permanent or temporary sewage holding tank, regardless of lot size, without first obtaining a sewage permit from the SEO.

(a) Sewage permits for permanent holding tanks shall expire and such tanks shall be abandoned and removed once public or community sewage facilities become available to service the lot.

(b) Sewage permits for temporary holding tanks shall expire no later than eighteen (18) months from the date the permit was issued and are not renewable.

4.06. No person may install or award a contract for the installation of a privy or four (4) or more portable toilets at a single site without first obtaining a sewage permit from the SEO.

(a) The installation of four (4) or more portable toilets at a single site may be covered by a single sewage permit.

(b) Sewage permits for portable toilets shall expire no later than eighteen (18) months from the date the permit was issued and are not renewable.

(c) The installation of three (3) or less portable toilets at a single site is exempt from sewage permit requirements.

407. Ten (10) Acre Parcel Permit Exemption.

(a) A sewage permit is not required for the installation of an individual on-lot sewage system for a residential structure occupied or intended to be occupied by the property owner or a member of the property owner's "immediate family" on a contiguous tract of land 10-acres or more if the property owner was the owner of record as of January 10, 1987.

(b) A permit exemption may also be granted where the property owner transferred ownership of one lot of 10-acres or more subdivided from the parent/residual tract after January 10, 1987, to a member of the property owner's "immediate family" and the subdivided lot is owned by the "immediate family" member at the time of the permit exemption.

(c) For the purposes of this Subsection, the term ''immediate family'' means a brother, sister, son, daughter, stepdaughter, grandson, granddaughter, father or mother of the property owner.

(d) The installation of a permit-exempt system under this Section is not required to be approved by or meet the standards of PADEP or Township under their rules and regulations for the siting, design or installation of on-lot sewage systems, **except for the siting requirements of Subsection 407 (e**), unless the owner of the property qualifying for the permit exemption chooses not to use the exemption.

(e) Siting Requirements. Owners of property qualifying for the permit exemption under this Secction and choosing to use the exemption shall install permit-exempt systems in accordance with the following requirements:

(1) The perimeter of the septic tanks and absorption area shall be located at least 200 feet from the perimeter of any property line, non-utility right-of-way, 100-year floodplain or any river, stream, creek, impoundment, well, watercourse, storm sewer, lake, dammed water, pond, spring, ditch, wetland, water supply or any other body of surface water and 10 feet from any utility right-of-way (collectively referred to as "Isolation Distances").

(2) Before the owner of property meeting the requirements for a permit-exempt system installs the system, the owner shall notify the Township of the proposed installation and shall provide:

a) A site plan, prepared and stamped by an engineer or land surveyor licensed to practice in the Commonwealth of Pennsylvania, showing, at a minimum, all applicable Isolation Distances; and

b) A certification on the site plan, signed by the owner, that the parcel qualifies for the permit exemption; and

c) A certification on the site plan, signed by the owner's engineer or surveyor, that the proposed septic tank and absorption area locations meets all Isolation Distance requirements under **Subsection 407 (e) (1)**; and

d) A "Note'' inscribed on the site plan, on the parent/residual tract and each subdivided lot, substantially as follows:

> "A 10-acre parcel sewage permit exemption has been granted for Lot ___. No additional exemptions may to be issued for Lot ___, any other subdivided lot or the parent/residual tract, Lawrence County Tax ID No. _____-_____-_____. In the event Lot ___ is subsequently subdivided, then the 10-acre parcel permit exemption shall cease immediately and the owner of the Lot ____ will be required to obtain an on-lot sewage permit for the sewage system on Lot _____ and sewage permit(s) shall be required for all proposed sewage system(s) to be constructed on all other subdivided lots."; and

e) A completed and signed copy of the "10 Acre Permit Exemption Documentation," PADEP Form 3800-FM-BPNPSM0134, as amended; and

f) A signed and notarized "Ten (10) Acre Permit Exemption Agreement," provided by the Township; and

g) Such further or additional documentation relating to the requirements of this section as required by the Township.

(3) The "Ten (10) Acre Permit Exemption Agreement" and the site plan shall be recorded in the Office of the Recorder of Deeds, Lawrence County, Pennsylvania, and shall be binding upon the owners, their heirs, administrators, executors, successors and assigns, including the owner's successors in title to the parcel which is the subject of the permit exemption, and shall require that any and all duties and obligations of the owner shall "run with the land" and remain the obligation of the owner's successors in title. Further, the owner shall pay the full cost of recording the documents as required in this Paragraph.

(f) Fees. The Township may charge a fee, not to exceed $25, to verify that the system is located in accordance with the siting requirements.

(g) In the event that any existing tract upon which a 10-acre parcel permit exemption was granted is subsequently subdivided, then the 10-acre parcel permit exemption shall cease immediately, and the owner of the property will be required to obtain on-lot sewage permits for both the sewage system for the existing structure and permit(s) for sewage system(s) for any proposed structure to be constructed on the subdivided lots. No subdivision shall take place to an existing 10-acre parcel permit exemption property until the un-permitted sewage system has been replaced by a permitted on-lot sewage system which meets current Act 537 and PADEP standards, or a sewage disposal system that requires an NPDES permit issued by PADEP.

4.08. A sewage permit is not required when:

(a) A new dwelling is proposed to replace a previously existing dwelling which is served by an existing on-lot sewage system; and

(b) The SEO determines that the size of the new dwelling is the same as or less than the previously existing dwelling and the anticipated use of the new dwelling is the same as the previously existing dwelling; and

(c) The SEO determines that the previously existing dwelling and system were in use within one (1) year of the anticipated date of completion of construction of the new dwelling. This exception shall not apply when an active malfunction investigation is being conducted by PADEP or the Township.

4.09. A sewage permit is required when:

(a) The SEO determines that the size of the new dwelling is greater than the previously existing dwelling or the anticipated use of the new dwelling is the not the same as the previously existing dwelling; or

(b) The SEO determines that the previously existing dwelling and system were not in use within one (1) year of the anticipated date of completion of construction of the new dwelling.

(c) If a permit is required, the SEO shall conduct a minimum of three (3) consecutive dye tests and site investigations to ensure that there is no evidence of a surface malfunction prior to a sewage or building permit being issued for the replacement dwelling. Sewage permits will be issued at the SEO's sole discretion.

4.10. A sewage permit is not required for the installation of a recycling toilet, incinerating toilet, composting toilet or other type of water conservation device where the existing on-lot system will not be altered.

4.11. Application for a sewage permit to install or construct an on-lot sewage disposal system shall be made by the property owner, owner in equity or a person who is an authorized agent of the owner or owner in equity to the Township, on a form provided by the Township. For purposes of this Section, an authorized agent shall have written permission to apply for a permit, signed by the property owner or owner in equity of the lot for which the application is made. The Township may require additional information on sewage permit applications to assure that the on-lot sewage system and/or the site will comply with the requirements of Act 537, the regulations and standards promulgated by PADEP pursuant to Act 537, and the provisions of this Ordinance.

4.12. Applicants for a sewage permit shall pay, in full, such application and inspection fees, in amounts to be determined by the Board of Supervisors by resolution and as amended from time to time, to the Township at the time the sewage permit application is submitted to the Township.

4.13. Applicants for a sewage permit shall notify the SEO of the schedule for installation, construction, or rehabilitation of the on-lot disposal system so that appropriate inspections and testing may be scheduled and performed by the Township.

4.14. Prior to issuing a sewage permit, the SEO shall confirm that the application is complete and that the proposed system design is in compliance with the requirements of Act 537, and the regulations and standards adopted by PADEP pursuant to Act 537.

4.15. Prior to issuing a sewage permit, the SEO shall conduct, or personally observe or otherwise confirm, in a manner approved by PADEP, all site tests used to determine the suitability of a site for an on-lot sewage system. The SEO shall accept testing conducted by a prior SEO for the Township, provided the site, data, and prior testing meet the criteria specified by PADEP.

4.16. Conventional Sewage System Permits.

(a) No person may install, construct, or award a contract for the installation or construction of a conventional on-lot sewage disposal system, without first obtaining a sewage permit from the SEO.

(b) The applicant shall submit an application for a conventional sewage system permit, provided by the Township, three copies of preliminary design plans and specifications, and all applicable fees to the Township. The SEO shall review the application package for completeness. The SEO shall issue or deny a permit for a conventional sewage system in writing within seven (7) days after receiving a complete initial application package.

(1) If the SEO determines that the initial application package is incomplete or is unable to verify the information contained in the package, the SEO shall notify the applicant in writing within seven (7) days of receipt of the package. The notice shall include the reasons why the package is incomplete and/or request the supplemental information that is deemed necessary by the SEO. When the required information is received, the SEO shall act on the supplemental package within fifteen (15) days.

(2) Failure of the SEO to timely act on an application for a sewage permit does not constitute permit approval. If the SEO fails to timely act on a complete application package, the applicant may request, on forms provided by the Township, a hearing before the Board.

4.17. Alternate Sewage System Permits.

(a) No person may install, construct, or award a contract for the installation or construction of an alternate on-lot sewage disposal system, without first obtaining a sewage permit from the SEO.

(b) The applicant shall submit an application for an alternate sewage system permit, provided by the Township, three copies of preliminary design plans and specifications, and all applicable fees to the Township. The SEO shall review the application package for completeness. If the SEO determines that the application package is incomplete, the SEO

shall communicate the nature of the deficiency to the applicant in writing within fifteen (15) days of receipt of the package.

(1) If the SEO is authorized by PADEP to review the specific alternate sewage system proposed, the SEO shall issue or deny a permit in writing within thirty (30) days of receipt of a complete application package.

(2) If the SEO is not authorized by PADEP to review the specific alternate sewage system proposed, the SEO shall submit the complete application package to PADEP within five (5) days of the determination of completeness. PADEP will determine if classification as an "alternate system" is appropriate for the submission and provide review comments to the SEO. The SEO shall consider PADEP's written comments regarding the application and shall issue or deny the permit no later than forty-five (45) days after submittal of the complete application to PADEP.

(3) Failure of the SEO to timely act on an application for a sewage permit does not constitute permit approval. If the SEO fails to timely act on a complete application package, the applicant may request, on forms provided by the Township, a hearing before the Board.

4.18. Experimental Sewage System Permits.

(a) No person may install, construct, or award a contract for the installation or construction of an experimental on-lot sewage disposal system, without first obtaining a sewage permit from the SEO.

(b) Applicants desiring to install an experimental on-lot sewage disposal system shall submit at least three (3) copies of complete preliminary design plans and specifications to PADEP and the SEO for review and comment at least sixty (60) days prior to submitting a complete sewage permit application, on forms provided by the Township, and all applicable fees to the Township. PADEP will determine if classification as an "experimental system" is appropriate for the submission and provide review comments to the SEO within sixty (60) days.

(c) Failure of the SEO to timely act on an application for a sewage permit does not constitute permit approval. If the SEO fails to timely act on a complete application package, the applicant may request, on forms provided by the Township, a hearing before the Board.

4.19. Prior to the issuance of a sewage permit for an alternate sewage system or experimental sewage system, the Township shall require documentation that the system owner has taken action to assure the operation and maintenance of the system for the life of the system. The assurance, if required by PADEP, shall be established through one or a combination of the following options, which have been established or approved in writing by the Township:

(a) A maintenance/service agreement between the system owner and an individual, firm, or corporation experienced in the operation and maintenance of the sewage treatment system.

(b) An agreement between the system owner and Township establishing the owner's operating and maintenance responsibilities and authorizing the Township to conduct periodic inspections of the system.

(c) A properly chartered association, trust, or other private legal entity which is structured to manage the system.

(d) Bonding, escrow, or other security established prior to the issuance of a sewage permit for the system and forfeited to the Township upon notice of continuing noncompliance of the system with the operation, maintenance, and monitoring standards contained in the permit or noncompliance with the assurances for management of the operation and maintenance requirements established through this Section. The Township shall use the forfeited financial security to cover the costs of repair or future operation and maintenance of the system over its design life or until the system is in compliance and being properly operated and maintained. The bond, escrow, or other security shall be for an amount equal to ten percent (10%) of the total cost of equipment and installation of the system, which shall be held by the Township for the life of the system and without regard to whether ownership of the system shall change. Should the financial security balance fall below the sum of Five Hundred Dollars ($500), the system owner shall deposit the sums required to bring the financial security balance to an amount equal to ten percent (10%) of the total initial cost of equipment and installation of the system, within thirty (30) days of receipt of written notice from the Township.

4.20. Retaining Tank Permits.

(a) No person may install or award a contract for the installation of a privy or four (4) or more portable toilets at a single site without first obtaining a sewage permit from the SEO.

(b) Prior to the issuance of a permit for a retaining tank, the Township shall require documentation that the system owner has taken action necessary to assure the proper maintenance of the tank for the duration of the permit. The assurance, as required by PADEP, shall be established through:

(1) A maintenance/service agreement, approved in writing by the Township, between the system owner and an individual, firm, or corporation, acceptable to the Township, for the removal (pumping), transportation, and disposal of sewage from the tank, at such intervals, in such manner, and disposal at a PADEP approved site; and

(2) An agreement between the system owner and Township establishing the owner's operating and maintenance responsibilities and authorizing the Township to conduct periodic inspections of the tank; and

(3) A performance bond, escrow, or other security on deposit with the Township in an amount, form, and for such duration as determined by the Township; and

(4) Prompt payment by the system owner of all fees, costs, and expenses related to the issuance of the sewage permit, removal (pumping), transportation, and disposal of sewage from the retaining tank, and tank maintenance and inspection.

4.21. Holding Tank Permits.

(a) No person may install, construct, or award a contract for the installation or construction of a permanent or temporary sewage holding tank, regardless of lot size, without first obtaining a sewage permit from the SEO.

(b) Any person receiving a permit for the installation of a holding tank is responsible for the operation and maintenance of the tank and for any health, nuisance or pollution problems that may result.

(c) Holding tanks require regular service and maintenance to prevent their malfunction and overflow and shall be pumped out at intervals that prevent the overflow, leakage, back-up, and/or other malfunctions characteristic of an overloaded system.

(d) Permanent sewage holding tanks shall not be used once public or community sewage facilities are or become available to service the lot.

(e) Permanent sewage holding tanks shall only be permitted:

(1) For institutions, recreational vehicle dumping stations, or commercial establishments with a sewage flow of less than 800 gallons per day; or

(2) When the use is necessary to abate a nuisance or public health hazard.

(f) Temporary sewage holding tanks shall only be permitted:

(1) At construction sites and natural gas or oil drilling sites with a flow of less than 800 gallons per day; or

(2) When necessary to abate a nuisance or public health hazard.

(g) The sewage enforcement officer shall be authorized to issue a permit for a sewage system utilizing a permanent or temporary holding tank only upon the finding that all the following conditions have been met:

(1) The applicant has entered into a maintenance, inspection, and pumping agreement with a licensed company, acceptable to the Township, for the pumping, transportation, and disposal of sewage from the tank at a PADEP approved disposal site; and

(2) The applicant has provided the Township with a copy of written verification from the proposed disposal site that the facility has adequate capacity for disposal of the applicant's sewage; and

(3) The applicant has entered into a maintenance agreement with the Township establishing the applicant's responsibilities regarding operation, maintenance, repair, and removal of the holding tank and authorizing the Township to conduct random/periodic inspections of the site, sewage facilities, and holding tank; and

(4) The applicant has promptly paid all fees, costs, and expenses related to the issuance of the sewage permit and posted financial security with the Township for the estimated costs associated with inspection, maintenance, repair, removal, and pumping, transportation, and disposal of sewage from the holding tank, and remediation of the property resulting from any contamination of the site; and

(5) The plans for the installation, operation, maintenance, repair, and removal of the holding tank and the pumping, transportation, and disposal of sewage from the holding tank meets all PADEP requirements.

4.22. Denial of Permits. Written notice of denial of a sewage permit shall be provided by the SEO to the applicant. The notice shall include the reasons for denial and provide notice of the applicant's right to request a hearing before the Board within ten (10) days of receipt of the notice of denial. If a permit holder fails to file a written request for a hearing within ten (10) days after receipt of the notice, the notice of denial shall be final. The SEO shall provide a copy of the notice of denial to PADEP and the Township within seven (7) days of issuance.

4.23. Expiration of Permits.

(a) Sewage permits shall expire if construction or installation of an individual or community on-lot sewage system and the structure for which the system is to be installed has not begun within three (3) years after the date of permit issuance. Permits may be extended, at the Township's discretion, for a period of time, as determined by the Township, not to exceed three (3) years.

(b) The applicant shall obtain a new permit prior to beginning the construction or installation. When issuing a new permit, the Township may require additional information from the applicant necessary to confirm the validity of the information provided on the original application and maintenance agreements and/or necessary to transfer any escrow accounts.

4.24. Transfer of Applications/Permits. A sewage application or permit may be transferred from the holder to a subsequent property/system owner. Such transfers are not valid until approved in writing by the Township, and, in the case of sewage permits, until the subsequent property/system owner receives a copy of the application under which the permit was issued.

4.25. Revocation of Permits.

(a) A sewage permit may be revoked by the Township at any time for any one or more of the following reasons:

(1) When a change has occurred in the physical conditions of any lands which will materially affect the operation of an individual or community on-lot sewage system.

(2) When one or more tests material to the issuance of the permit has not been properly conducted.

(3) When information relevant to the issuance of the permit has been falsified.

(4) When the original decision of the Township otherwise failed to conform to Act 537 or the regulations and standards adopted pursuant to Act 537.

(5) When the permittee has violated Act 537, the regulations and standards adopted pursuant to Act 537, or the requirements of the permit.

(6) When any inspection and/or test result reveals that the installation, construction, or rehabilitation of any on-lot sewage disposal system is contrary to the provisions of this Ordinance.

(b) The SEO shall provide notice of revocation, in writing, to the permit holder and shall include the reasons for revocation, notice of the permit holder's right to request a hearing before the Board within ten (10) days of receipt of the revocation notice, and notice that no further construction or use of the sewage system and/or the structure for which it is intended may take place until a new permit is issued or the revocation is finally reversed on appeal.

(c) If the permit holder fails to file a written request for a hearing within ten (10) days after receipt of the notice of revocation, the notice of revocation shall be final.

4.26. The Township may only issue sewage permits for on-lot systems renovating sewage in a subsurface absorption area or through spray irrigation or temporarily storing sewage in a retaining tank or holding tank.

4.27. Permits for all other on-lot systems, such as, large volume on-lot sewage systems, subsurface disposal or other method of disposal of a substance defined as industrial waste under the Clean Streams Law, are issued by PADEP.

§ 5. HOLDING TANKS.

5.01. Construction Standards.

(a) If required by PADEP, holding tanks shall be constructed to meet or exceed the specifications of Act 537 and the regulations and standards promulgated by PADEP pursuant to Act 537, as may be amended from time to time.
(b) The minimum capacity of a holding tank shall be 1,000 gallons or a volume equal to the quantity of waste generated in three (3) days, whichever is larger.

(c) All holding tanks shall be equipped with a warning device to indicate when the tank is filled to within seventy-five percent (75%) of its capacity. The warning device shall create an audible and visual sign at a location frequented by the permit holder or responsible individual.

(d) The permit holder shall ensure that holding tanks and all related piping are properly winterized to protect the effluent and piping from freezing.

5.02. Operation and Maintenance Requirements.

(a) The permit holder shall, at all times:

(1) Operate and maintain a sewage system utilizing a holding tank so that the system will function in the manner in which it was designed; and

(2) Prevent the unlawful discharge of sewage; and

(3) Maintain the area around the holding tank so as to provide convenient access for cleaning, pumping, inspection, maintenance, repair, and removal of the tank.

(b) Pumping Receipts. Each time a holding tank is cleaned and/or pumped, the permit holder shall provide the SEO, within five (5) days of completion, a pumping receipt, which shall contain, at a minimum, the following information:

(1) Physical address and/or Tax Map and Parcel Identification Number; and

(2) Name and address of the permit holder; and

(3) Address of the tank location, if different from the permit holder's address; and

(4) Name, business address, and telephone number of the pumper; and

(5) Date of pumping; and

(6) Amount or volume of material removed from the tank; and

(7) Name, address, telephone number, and NPDES permit number of the facility treating the removed material; and

(8) The name and signature of the pumper's employee performing the services.

(c) The Township may, at its discretion, place additional operational and/or maintenance requirements on any sewage system utilizing a holding tank permitted by the Township.

5.03. Maintenance Agreement and Bonding.

(a) Pumping and Disposal Agreements. The permit holder is required to enter into a valid maintenance, inspection, and pumping agreement with an individual, firm, or corporation with experience in sewage holding tank maintenance and cleaning, and a letter of agreement with the proposed disposal site providing the facility's NPDES permit number and verifying the facility has adequate capacity for disposal of the material removed and transported to the facility.

(b) Bonding Requirements. The permit holder shall be required to post a cash bond with the Township in the amount of One Dollar ($1.00) per gallon of holding tank capacity, but not less than One Thousand Dollars ($1,000).

(c) The cash bond or a portion of the bond shall be forfeited to the Township on the occurrence of any of the following:

(1) In the event the holding tank is not maintained according to the terms of the maintenance, inspection, and pumping agreement, the Township may use the bond to pay to provide for the proper servicing of the holding tank and any related costs incurred by the Township.

(2) In the event the permit holder does not reimburse the Township for the costs associated with municipal inspections and/or tests, as required by this Ordinance, as amended, the Township may use the bond to pay for such expenses and any related costs incurred by the Township.

(3) In the event the holding tank is removed by the Township either by consent of the permit holder or as a result of court action, the Township may use the bond to pay for the cost of removal and for any related costs, including but not limited to legal costs incurred by the Township.

(d) In the event that funds from the cash bond fall below seventy-five percent (75%) of the original amount for any reason, the permit holder shall be required to replenish the cash bond to its original amount, within thirty (30) days of receipt of notice from the Township.

(e) The existence or use of the bond or a portion thereof shall not relieve the permit holder of responsibility to fully reimburse the Township for any and all related fees, costs, or expenses in excess of the face amount of the bond.

5.04. Municipal Inspections and Tests.

(a) The permit holder shall notify the SEO of the installation or construction schedule for a sewage system utilizing a holding tank so that appropriate inspections and tests may be scheduled and performed by the Township.

(b) The permit holder shall notify the SEO when the installation or construction of a sewage system utilizing a holding tank is complete and ready for final inspection. Prior to the final inspection, the permit holder shall provide the SEO with three (3) full sized copies of the as-built plans for the system. No part of the sewage system may be covered until the final inspection is conducted and final written approval to cover the system is given by the SEO. If the system has been covered prior to final inspection, the SEO may order the system to be uncovered at the expense of the permit holder.

(c) The permit holder shall permit the Township and its authorized agents to inspect and test, at the holder's sole cost, any sewage system utilizing a holding tank at such times as the Township deems appropriate. At a minimum, the Township shall conduct annual inspections of permanent holding tanks and monthly inspections of temporary holding tanks. The permit holder shall reimburse the Township for the actual costs, fees, and expenses directly related to the inspections and tests.

(d) Municipal inspections and testing may include but are not limited to a physical tour of the property, inspection of the sewage facilities and all components of the sewage system, sampling surface water, wells, ground water, and/or the contents of the system itself, and the introduction of a traceable substances into the interior plumbing of the structure, or

building served and/or the system itself to ascertain the path and ultimate destination of waste water (dye test).

(e) The permit holder and/or Township shall notify the SEO of any sewage system utilizing a holding tank that is suspected or reported to be malfunctioning, operated improperly, or causing a nuisance, water pollution, or public health hazard. The SEO shall inspect and/or test such system within two (2) days of receiving such notification.

(f) The SEO or other authorized agent(s) of the Township shall make a written inspection report and provide a copy of the report to the permit holder and Township within seven (7) days of completion of the inspection. The report shall contain, at a minimum, the following information:

(1) Physical address and/or Tax Map and Parcel Identification Number; and

(2) Date of inspection; and

(3) Name and address of the permit holder; and

(4) Description and location of the system; and

(5) Indications of system malfunction; and

(6) Required remedial action.

(g) The Township shall retain the inspection report for five (5) years.

§ 6. GROUND MARKERS, ACCESS HATCHES AND INSPECTION PORTS.

6.01. Any person who installs, constructs, or rehabilitates an on-lot sewage disposal system shall provide a marker or markers at ground level locating the subsurface waste disposal tank and other important components of the system requiring periodic inspection and maintenance. Marker types and locations shall be subject to approval by the SEO.

6.02. Any person who installs, constructs, or rehabilitates an on-lot sewage disposal system shall provide a riser or access hatch to provide easy access to the waste disposal tank, and prevent odors from escaping and children from removing the hatch. Access to each tank or compartment of the tank shall be provided by a manhole of at least twenty (20) inches' square or in diameter, with a removable cover. The top of the tank containing the manhole, or the top of the manhole extension shall not be more than twelve (12) inches below grade level. If access is extended to grade, the access cover shall be airtight. Grade level access covers shall be secured by bolts or locking mechanism or have sufficient weight to prevent access by children. The ground shall slope away from any access extended to grade level.

§ 7. REPLACEMENT AREAS.

7.01. After the effective date of this Ordinance, each applicant requesting subdivision or land development approval, issuance of a sewage permit for the installation or construction of an

individual on-lot sewage system, Township approval of a Sewage Planning Module, or a revision, exception to revision, supplement, or amendment to the Township's Official 537 Plan shall:

(a) Demonstrate to the satisfaction of the Township that a suitable area exists on the lot or on each lot to be created for a primary/initial soil absorption area or spray field and, if required by PADEP, a replacement soil absorption area or spray field.

(b) Identify the location of each primary/initial absorption area or spray field and, if required by PADEP, each replacement absorption area or spray field upon the plot plans and/or diagrams submitted with the required application.

7.02. All replacement areas shall fully comply with the requirements of Act 537, the regulations and standards adopted by PADEP pursuant to Act 537, and the provisions of this Ordinance.

7.03. The SEO shall complete soil testing and site evaluation to establish that separate sites are available for both a primary/initial soil absorption area or spray field and, if required by PADEP, a replacement soil absorption area or spray field on each lot.

7.04. Identifying an area or designating open land for the replacement area without complete soil testing performed, observed, or confirmed by the SEO shall not constitute compliance with the requirements of this Section.

7.05. For subdivision or land development applications, the replacement area, if required by PADEP, shall be delineated on the final plot plan and a note shall be added to the final plan stating the purpose of the replacement area, that no improvements or physical changes to the land, temporary or permanent, except shallow-rooted plant matter, shall be constructed upon the replacement area. The replacement area shall be further protected from encroachment by permanent deed language reflecting the restrictions and such deed recorded for each lot in the subdivision or land development with a replacement area, as required by PADEP.

7.06. Limitations on improvements or physical changes to the land within the replacement area shall be enforced by the Township, unless the property owner who desires to construct such improvements or physical changes shall demonstrate to the satisfaction of the Township that an alternate replacement area, which complies with Act 537, the regulations and standards promulgated by PADEP pursuant to Act 537, and the provisions of this Ordinance, exists upon the lot. If such an alternate replacement area shall be identified and approved by the Township, the alternate replacement area may be considered the replacement area required by this Section and shall be designated as the replacement area. The newly designated replacement area shall be protected from encroachment by a permanent deed restriction and a revised deed shall be recorded for the lot reflecting the restrictions.

7.07. Relief from Replacement Area Requirements. If a lot in existence as of the effective date of this Ordinance does not contain land suitable for a replacement area, the property owner may request that PADEP grant an exception to PADEP requirement to provide a replacement area. The property owner requesting such an exception shall be required to present credible evidence to PADEP demonstrating the: (a) size of the lot; (b) inability of the owner to acquire adjacent land or the unsuitability of adjacent land which might be able to be acquired; and (c) testing conducted to

determine that the lot is not suitable to provide a replacement area. At all times, the burden to present credible evidence and the burden of persuasion shall be upon the property owner requesting the exception from the terms of this Section.

7.08. Exemption from Replacement Area Requirements. Existing lots for which a permit for the installation of an individual on-lot sewage system has been issued prior to the effective date of this Ordinance shall be exempt from the requirements of this Section. However, the exemption shall not apply if the sewage permit has expired or the existing system is the subject of an active malfunction investigation being conducted by PADEP or the Township.

§ 8. PROHIBITED SUBSTANCES.

8.01. Only sewage and liquid household wastewater (water used within a residence, including kitchen and laundry wastes and water softener backwash) shall be discharged into on-lot sewage disposal systems.

8.02. The following shall not be deposited or discharged into an on-lot sewage system at any time:

(a) Industrial or commercial waste.

(b) Automobile and/or industrial oils or lubricants.

(c) Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline or petroleum distillates or products, and other solvents.

(d) Clean surface, ground, or storm water, including water from roof or cellar drains or spouts, springs, basement sump pumps, and French drains.

(e) Any non-biodegradable materials.

(f) Radioactive waste.

§ 9. MAINTENANCE.

9.01. At all times, owners of a property served by an on-lot sewage disposal system shall:

(a) Maintain the area around the system to provide convenient access for inspection, maintenance, and pumping; and

(b) Maintain the surface contours or grade of the property to divert surface and storm water away from the system components, septic tank, and absorption areas; and

(c) Protect the absorption area from physical damage.

9.02. Aerobic Treatment Tanks.

(a) Owners of a property served by an on-lot sewage disposal system which contains an aerobic treatment tank shall operate and maintain the tank in accordance with the manufacturer's instructions at all times. The owner shall enter into a maintenance/service agreement with a qualified service provider to ensure that periodic maintenance and "as needed" services for the system are provided. The owner shall provide the Township with a copy of the manufacturer's instructions and the maintenance/service agreement within six (6) months of the effective date of this Ordinance for existing systems and no later than the date of the final inspection for systems installed after the effective date of this Ordinance. The owner shall also provide the Township with copies of all service/maintenance receipts at the intervals specified by the manufacturer's instructions.

(b) Owners shall enter into an agreement with the Township establishing the owner's operating and maintenance responsibilities and authorizing the Township to conduct periodic inspections of the system.

(c) Aerobic treatment tanks shall be pumped out, at the owner's expense, according to PADEP requirements and/or manufacturer's instructions.

9.03. Individual Residential Spray Irrigation Systems.

(a) Owners of a property served by an individual residential spray irrigation system shall sample the system discharge at least once per year through a testing laboratory for, at a minimum, fecal coliform, carbonaceous biological oxygen demand, suspended solids, and disinfectant residual or effectiveness. The system owner shall forward a copy of the test results to the Township by certified mail within thirty (30) days after each annual anniversary of the SEO's final inspection and certification date. The Township shall review the test results and the most recent system inspections and take any action necessary to resolve operational or maintenance problems identified through the sample results. The Township may require the system owner to take additional samples for analysis, at the owner's expense, if the annual sample results indicate a violation of PADEP imposed limitations.

(b) Owners shall enter into an agreement with the Township establishing the owner's operating and maintenance responsibilities and authorizing the Township to conduct periodic inspections of the system.

9.04. Alternate Sewage Systems. Owners of property served by an alternate sewage system shall be responsible for the operation and maintenance of the facility and for any health, nuisance, or pollution problems that may result. To assure proper operation of the system, each permit will require a specific level of inspection, maintenance, monitoring, and reporting to be conducted or contracted by the permittee.

9.05. Additional Maintenance Requirements. The Township may, at its discretions, place additional maintenance requirements on any on-lot sewage system permitted by the Township. Such activity may include but is not limited to: cleaning and/or unclogging of piping; servicing and/or the repair of mechanical equipment; cleaning and/or leveling of distribution boxes, tanks,

and/or the lines; removal of obstructing roots or trees; and/or the diversion of surface and/or storm water away from the treatment tank and/or absorption areas.

§ 10. SYSTEM REHABILITATION.

10.01. No person may rehabilitate or award a contract to rehabilitate an existing on-lot sewage disposal system, regardless of lot size, without first obtaining a sewage permit from the SEO.

10.02. No person shall operate or maintain an on-lot sewage disposal system in such a manner that it malfunctions.

10.03. The SEO shall issue a written notice of violation to any person who is the owner of any property which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging sewage without a permit.

10.04. Within seven (7) days of the owner self-identifying a malfunction, or within seven (7) days of receiving notification from the SEO that a malfunction has been identified, the property owner shall make application to the SEO for a permit to repair or replace the malfunctioning system. Within thirty (30) days of receipt of the permit, construction of the permitted repair or replacement shall commence. Within sixty (60) days of receipt of the permit, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Board, upon written request from the system owner, may extend the completion date.

10.05. Rehabilitation, as required by the SEO, may include, but is not limited to, any one or combination of the following methods: addition of dosing tanks and distribution boxes to the system; repair or replacement of any component of the existing system; replacement of an existing system with a completely different system; requiring two (2) or more buildings serviced by malfunctioning septic tanks and/or subsurface drainage fields to install a community on-lot sewage system; adding capacity or otherwise altering or replacing the system's treatment tank; expanding or replacing the existing disposal or absorption area; replacing a gravity distribution system with a pressurized system; temporarily replacing a system undergoing alteration, repair, or replacement with a holding tank; and/or by any other method deemed appropriate for the specific site.

10.06. In lieu of or in combination with the remedies described above, the SEO may require pumping of septic tanks; reduction of water usage; placement of soil fill; installation of water conservation equipment and the institution of water conservation practices in structures or building serviced by the malfunctioning system; requiring water using devices and appliances in the structure or building to be retrofitted with water saving appurtenances or replaced by water conserving devices and appliances; reducing waste water generation in the structure or building by requiring changes in water usage patterns, including limiting or discontinuing the use of laundry facilities, and/or by any other method deemed appropriate for the specific site.

10.07. In the event that the rehabilitation measures described above are not feasible or do not prove effective in eliminating the malfunction, the Township may require the system owner to take whatever action is necessary to lessen, mitigate, or remediate the malfunction to the extent that it feels necessary, including but not limited to requiring the construction of a single residence treatment and discharge system or connection to a community sewage system regardless of the

distance to such system. Upon receipt of the required permits, the owner shall complete the construction of the system or connection within thirty (30) days.

10.08. Should none of the remedies described in this Section be totally effective in eliminating the malfunction, the property owner is not absolved for responsibility for the malfunction. The Township may require the property owner to take whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

§ 11. MUNICIPAL INSPECTIONS AND TESTS.

11.01. Authority to Enter Upon Land. The Township and its authorized agent(s) shall, upon presentation of proper credentials and identification, be permitted to enter upon all properties at any reasonable time to make or cause to be made such inspections and/or testing of on-lot sewage disposal systems as are necessary to carry out the provisions of this Ordinance.

11.02. In the event the property/system owner or current tenant denies the Township or its authorized agent(s) access to the property to inspect or test the system, the Township shall be authorized to take such steps as are appropriate to secure access to the property to determine compliance with the provisions of this Ordinance, including, but not limited to, seeking an administrative search warrant from the appropriate judicial official.

11.03. Property/system owners shall notify the Township when the installation, construction, alteration, enlargement, modification, repair, or replacement of an on-lot sewage disposal system is complete, and the system is ready for final inspection.

11.04. No part of a newly constructed or rehabilitated on-lot sewage disposal system may be covered from view until the final inspection has been conducted and final written approval to cover the system is given by the SEO. If the system or any part of the system has been covered prior to final inspection, the SEO may order the system or any part of the system to be uncovered at the expense of the applicant/owner.

11.05. Malfunctioning Systems. The SEO shall inspect and/or test on-lot sewage disposal systems known to be, or alleged to be, malfunctioning. If the inspection and/or test reveals that the system is indeed malfunctioning, the SEO, within ten (10) days of making such determination, shall order the system owner to take action necessary to correct the malfunction.

11.06. Lot Line Revisions. Applicants for a lot line revision for two (2) or more lots shall schedule an inspection of the existing on-lot sewage disposal system on the lot(s) losing acreage with the SEO before the site plan is reviewed by the Board.

11.07. Scope of Municipal Inspections. Inspections and testing may include, but are not limited to: a physical tour of the property; inspection of the septic tank, aerobic tank, disposal field, distribution box and/or any other component of the system; sampling soil, and/or surface, well and/or ground water, and/or the contents of the system itself; and/or the introduction of a traceable substances into the interior plumbing of the structure or building served and/or the septic system itself to ascertain the path and ultimate destination of waste water generated in the structure (dye test).

11.08. Municipal Inspection Reports. The SEO or authorized agent shall make a written inspection report for each inspection conducted and provide a copy of the inspection report to the property/system owner, current resident, and Township within seven (7) days of completion of the report. The report shall contain the following information when reasonably available to the SEO or authorized agent:

(a) Physical address and/or Tax Map and Parcel Identification number; and

(b) Date of inspection; and

(c) Name and address of the system owner; and

(d) Description and location of the system; and

(e) Current occupant's name and number of users; and

(f) Indications of system malfunction; and

(g) Results of all soil and water tests; and

(h) Required remedial action and time frames.

11.09. If any inspection and/or test reveals that an on-lot sewage disposal system or other non-authorized sewage disposal system is malfunctioning, or causing a nuisance, or polluting ground or surface waters, contaminating private or public drinking water supply, or hazarding the public health, or discloses the absence of a permitted sewage disposal system, the SEO shall provide the property/system owner with a written notice of violation identifying the condition and directing the owner to take immediate remedial action to rehabilitate the system or install an approved sewage disposal system.

11.10. When any inspection and/or test result reveals that the installation, construction, or rehabilitation of any on-lot sewage disposal system is contrary to the permit application or in violation of Act 537, the regulations or standards adopted under Act 537, or the provisions of this Ordinance, the SEO shall revoke the sewage permit.

§ 12. NOTICE OF VIOLATION.

12.01. Upon a finding by the Township that any provision of this Ordinance has been violated; or that the terms of any permit or agreement have been violated; or that the use of on-lot sewage system is creating a danger to the health, safety, and welfare of the inhabitants of the Township or to the environment, the SEO shall provide the permit holder with a written notice of violation.

12.02. The permit holder is required to take all steps required to remedy the violation within thirty (30) days of receiving the notice.

12.03. If the permit holder fails to comply with the notice, the Township shall have the right to perform such necessary work or contract to have such necessary work performed to remedy

the violation. All such costs incurred by the Township, together with an additional ten percent (10%) thereof, shall be chargeable to and be paid by the permit holder within thirty (30) days of receipt of an invoice from the Township.

12.04. Notice shall be deemed given in accordance with this Section by either mailing the notice by regular mail, postage prepaid, to the permit holder or posting of the notice on the premises.

§ 13. ADMINISTRATION.

13.01. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to administer and enforce this Ordinance.

13.02. The Township shall employ qualified individuals to carry out the provisions of this Ordinance. Such employees may include a Sewage Enforcement Officer, a Code Enforcement Officer, a secretary, an administrator, and such other persons as the Board may deem necessary. The Township may also contract with other private qualified persons or firms, as deemed necessary by the Board, to carry out the provisions of this Ordinance.

13.03. The SEO shall maintain all records, reports, files, and other written material relating to on-lot sewage disposal systems in the Township. The SEO shall provide a copy of all such documents to the Township within seven (7) days of completing each reported activity. The Township's copy of such documents shall be available for public inspection, upon request, during normal business hours at the Township office.

13.04. The Board may establish additional administrative procedures necessary to properly carry out the provisions of this Ordinance.

§ 14. MUNICIPAL FEES AND PENALTIES.

14.01. The Board, by properly enacted ordinance or resolution, may establish and set a schedule of fees and authorize collection of such fees to cover the costs to the Township of administering and enforcing this Ordinance. The fee schedule may establish different charges for various activities and types of systems consistent with the costs necessary to support the planning module review process, permit application, administration, inspection, and enforcement programs.

14.02. If an applicant/owner commences work on installing, rehabilitating, or modifying an on-lot sewage system before first obtaining all the required permits, all outstanding municipal fees, except engineering and consultant fees, will be increased by fifty percent (50%) as a penalty for non-compliance with this Ordinance.

14.03. When engineering and/or consulting services are required by the Township to complete its review of a permit application or planning module, the review fees charged for such review services shall be reasonable and in accordance with the ordinary and customary charges by the engineer or consultant for similar service in the community, and in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed by or otherwise imposed on applicants.

(a) In the event the applicant disputes the amount of a review fee or charge, the applicant shall, within ten (10) working days of the date of billing, notify the Township that the fees or expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove an application for any approval or permit due to the applicant's dispute over fees or charges.

(b) If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on a reasonable amount for review fees or charges, the applicant and Township shall jointly appoint a qualified registered professional engineer, licensed in this Commonwealth, or consultant to review the fees and charges and make a determination as to the amount which is reasonable and necessary.

(c) If the Township and applicant cannot agree upon the professional engineer or consultant to be appointed within twenty (20) days of the billing date, then, upon application of either party, the president judge of the Lawrence County Court of Common Pleas or, if at the time there is no president judge, then the senior active judge then sitting shall appoint such engineer or consultant. The engineer or consultant shall be neither the Township's engineer or consultant or any professional engineer or consultant who has been retained by or performed services for the applicant within the preceding five (5) years.

(d) The professional engineer or consultant so appointed shall hear such evidence and review such documentation as they, in their sole discretion, deem necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

(e) The fee of the appointed engineer or consultant for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of the payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by Five Hundred Dollars ($500) or more, the Township shall pay the fee of the engineer or consultant. Otherwise, the Township and the applicant shall each pay one-half of the fees of the appointed engineer or consultant.

§ 15. APPEALS AND HEARINGS.

15.01. Any person aggrieved by a final decision of the SEO in issuing or denying a permit, or issuing a notice of violation or order, other than a permit revocation, shall have the right, within thirty (30) days after receipt of the notice or order, to submit a written request for a hearing before the Board.

15.02. Any person aggrieved by a final decision of the SEO in revoking a permit shall have the right, within ten (10) days after receipt of the notice, to submit a written request for a hearing before the Board or the revocation action shall become final.

15.03. The hearing application fee, set by the Board by resolution and as amended from time to time, shall be fully paid to the Township at the time the written request for a hearing is submitted to the Township.

15.04. Hearing requests shall state concisely all reasons for the appeal and include any additional documentary evidence to be introduced at the hearing.

15.05. Hearings under this Section shall be conducted pursuant to the Local Agency Law (2 Pa.C.S. §§ 551 *et seq*.).

15.06. The Township shall notify PADEP of the hearing at least three (3) days prior to the hearing date. The notification shall include a statement of the reasons for the appeal.

15.07. The Board shall hold a hearing within thirty (30) days after receipt of a timely written request for a hearing. The hearing may be postponed and/or continued for good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it was submitted with the written hearing request.

15.08. A decision shall be rendered in writing within thirty (30) days of the date of the hearing. In its written decision, the Board shall affirm, modify, or reverse the earlier decision.

15.09. Any person aggrieved by the decision of the Board may, within thirty (30) days after such decision, file an appeal to the Court of Common Pleas of Lawrence County.

15.10. The Township shall defend its actions during the course of a subsequent appeal to the Court of Common Pleas of Lawrence County or other judicial or administrative bodies.

§ 16. ENFORCEMENT PROCEDURES AND PENALTIES.

16.01. Any person who shall violate any provision of this Ordinance or who is the owner of a property on which a condition exists which constitutes a nuisance under this Ordinance or who resists or interferes with any employee, officer, or agent of the Township in the performance of his or her duties under this Ordinance, shall be guilty of a summary offense. Upon conviction thereof in an action brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, such person shall be sentenced to pay a fine of not less than Five Hundred Dollars ($500) and not more than Five Thousand Dollars ($5,000), plus costs and attorney fees, or to imprisonment not to exceed ninety (90) days, or both. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Ordinance which is found to have been violated and penalties shall be cumulative. The Township solicitor may assume charge of the prosecution without the consent of the District Attorney as allowed under Pa.R.Crim.P. No 83(c) (relating to trial in summary cases).

16.02. In addition, the Township, after notice and hearing, may assess a civil penalty against the violator for the violation, the cost of damages caused by the violation and the cost of correcting such violation. The Township may impose a weekly assessment of not less than three hundred dollars ($300) and not more than two thousand five hundred dollars ($2,500) per week. In any case where the Township determines that damage resulting from the violation is of a continuing nature, the weekly assessment shall continue indefinitely after the date of notice of the assessment to the violator.

16.03 A violation of any provision of this Ordinance or the discharge of untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth, except as approved by PADEP or permitted by the Township, shall constitute a nuisance and shall be abatable in the manner provided by law or equity.

16.04. In addition to or in lieu of criminal action, the Township, through its solicitor, may institute injunctive, mandamus, or any other appropriate action or proceedings at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

16.05. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence an action for enforcement pursuant to this Ordinance.

§ 17. PREEMPTION. The provisions of Act 537 and any regulations adopted by PADEP pursuant to Act 537 shall pre-empt the provisions of this Ordinance to the extent that the provisions of Act 537 or PADEP regulations are more stringent than the provisions of this Ordinance. In all other cases, the provisions of this Ordinance shall prevail.

§ 18. SEVERABILITY. The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal, or otherwise invalid provisions not been included in this Ordinance.

§ 19. REPEALER. All other ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency, including but not limited to Ordinance No. 1 of 1970.

§ 20. EFFECTIVE DATE. This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED this 11th day of June 2026, by the Board of Supervisors of Perry Township, Lawrence County, Pennsylvania, in lawful session duly assembled.

ATTEST:

PERRY TOWNSHIP
BOARD OF SUPERVISORS

_____
Secretary

By: _____
Chairperson

[SEAL]

By: _____
Vice Chairperson

By: _____
Supervisor