

AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT
OF ON-LOT SUBSURFACE SEWAGE DISPOSAL FACILITIES
IN THE BOROUGH OF PICTURE ROCKS, LYCOMING COUNTY, PA

BE IT ORDAINED by the council of the Borough of Picture Rocks in the County of Lycoming and the State of Pennsylvania, as follows:

Section I. Short Title; Introduction; Purpose

A. This ordinance shall be known and may be cited as "A Sewage Management Program for Picture Rocks Borough.

B. As mandated by the municipal codes, the Clean Stream Law (35 P.S. 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. 750.1 et seq., known as Act 537), municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Picture Rocks Borough indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

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

Section II. Definitions

A. Act 537: The Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. 750.1 et seq known as the Pennsylvania Sewage Facilities Act.

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

C. Codes Enforcement Officer (C.E.O.)-- An individual employed by the municipality to administer and enforce other ordinances in the municipality.

D. Community Sewage System: Any system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

E. Council: The Council of the Borough of Picture Rocks, Lycoming County, Pennsylvania.

F. Department: The Department of Environmental Resources of the Commonwealth of Pennsylvania (DER).

G. Individual Sewage System: A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.

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

I. Municipality: Picture Rocks Borough, Lycoming County, Pennsylvania.

J. Official Sewage Facilities Plan: A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the municipality and approved by the Pennsylvania Department of Environmental Resources, as described in and required by Act 537.

K. On-Lot Sewage Disposal System: Any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal; including both individual sewage systems and community sewage systems.

L. Person: An individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty of imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

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

N. Replacement Area: A portion of a lot or a developed property, sized to allow the installation of subsurface sewage disposal area, which is reserved to allow that installation in the event of the malfunction of the originally installed on-lot sewage disposal system.

O. 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 or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No 394), known as "The Clean Streams Law", as amended.

P. Sewage Enforcement Officer (SEO)--the official or the local agency who issues and reviews permit applications and conducts such investigations and inspection as are necessary to implement Act 537 and the rules and regulations promulgated thereunder.

Q. Sewage Management Program: A comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance and other administrative requirements adopted by the municipality to effectively enforce and administer the ordinance.

R. Subdivision: The division or re-division 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.

Section III. Applicability

A. From the effective date of this ordinance, its provisions shall apply in any portion of the municipality identified by resolution of the Borough. Within such an area or areas, the provisions of this ordinance shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems.

Section IV. Permit requirements

A. No person shall install, construct or request bid proposals for construction or alter an individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act and the standards adopted pursuant to that Act.

B. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by the municipal sewage enforcement officer. If 72 hours have elapsed, excepting Sundays and Holidays, since the sewage enforcement officer issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the sewage enforcement officer.

C. The municipality may require applicants for sewage permits to notify the municipality's certified sewage enforcement officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by Act 537 may be scheduled and performed by the municipality's certified sewage enforcement officer.

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

E. No building or occupancyp permit shall be issued and no work shall begin on an any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until the municipality's codes enforcement officer and the structure's owner receive from the municipality's sewage enforcement officer either a permit for alteration or replacement of the existing sewage disposal system or written notification that such a permit will not be required. The certified sewage enforcement officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

F. Sewage permits may be issued only by a certified sewage enforcement officer employed by the municipality for that express purpose. The Department of Environmental Resources shall be notified by the municipality as to the identity of their currently employed certified sewage enforcement officer.

Section V. Inspections

A. Any on-lot sewage disposal system may be inspected by the municipality's authorized agent at any reasonable time as of the effective date of this ordinance.

B. The inspection may include a physical tour of the property, the taking of samples from surface water, wells, other ground water 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.

C. The municipality's authorized agent shall have the right to enter upon land for the purpose of inspections described above.

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

E. A schedule of routine inspections may be established by the municipality if necessary to assure the proper function of the systems in the Borough.

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

G. There may arise geographic areas within the municipality where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a municipality sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When a DER authorized Official Sewage Facilities Plan Revision has been undertaken by the municipality, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the study area may be delayed, at the discretion of the municipality, pending the outcome of the plan revision process. However, the municipality may compel immediate corrective action whenever a malfunction, as determined by municipal officials and the Pennsylvania DER, represents a serious public health or environmental threat.

Section VI. Operation

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

1. Industrial waste.
2. Automobile oil and other non-domestic oil.
3. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (i.e., highly concentrated commercial cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
4. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and french drains.

Section VII. Maintenance

A. Any person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank pumped by a qualified pumper/hauler within three (3) years of the effective date of this ordinance. Thereafter that person shall have the tank pumped at the specific pumping frequency hereinafter set forth. Receipts from the pumper/hauler shall be submitted to the municipality within the prescribed initial three (3) year period and the specified pumping periods thereafter.

B. All on-lot sewage disposal systems shall be pumped initially within said three (3) year period in accordance with a schedule adopted by Council pursuant to a resolution which shall require one-third (1/3) of all of said systems to be pumped each year for the first three (3) years.

C. Therefore the required pumping frequency is at least once every three years and may be increased at the discretion of the municipality's 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 their system tank had been pumped within three years of the effective date of this ordinance, then the municipality may delay that person's initial required pumping to conform to the general pumping frequency requirement.

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

E. Any person owning a building 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. In no case may the pumping intervals for aerobic treatment tanks exceed those required for septic tanks. Such persons shall maintain the aerobic system as required by the manufacturer's operation manual. A sewage system certification form from the pumper/hauler shall be submitted to the municipality consistent with the required pumping periods of the ordinance.

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

G. The municipality may require additional maintenance activity as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

H. All systems must not only be functional in accordance with this ordinance, but must also be aesthetically pleasing to its surroundings and neighborhood or screened from public view.

Section VIII. System Rehabilitation

A. No person shall operate and maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment system or tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit to discharge has been obtained from the Pennsylvania Department of Environmental Resources.

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

C. Within seven (7) days of notification by the municipality that a malfunction has been identified, the property owner shall make application to the municipality's certified sewage enforcement officer for a permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by the municipality, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by the municipality, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the municipality shall set an extended completion date.

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

E. In lieu of, or in combination with, the remedies described in D above, the municipal sewage enforcement officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served.

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

G. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The municipality may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.

Section IX. Liens

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

Section X. Disposal of Septage

A. All septage originating within the municipal sewage management district shall be disposed of at sites or facilities approved by the Pennsylvania Department of Environmental Resources. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, compositing sites and approved farm lands.

B. Septage of pumper/haulers operating within the municipal sewage management district shall operate in manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. 6018.101-6018.1003).

Section XI. Administration

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

B. The municipality shall employ qualified individuals to carry out the provisions of this ordinance. Those employees shall include a certified sewage enforcement officer and may include a codes enforcement officer, secretary, administrator or other persons as required. The municipality may also contract with private qualified persons or firms as necessary to carry out the provisions of this ordinance.

C. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems in the sewage management district shall become the property of the municipality. Existing and future records shall be available for public inspection during required business hours at the official municipal office. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the municipality's sewage management program shall be made available, upon request, for inspection by representatives of the Pennsylvania Department of Environmental Resources.

D. The Borough Council may establish a fee schedule by Resolution and subsequently collect fees by an appropriate method including the use of municipal liens to cover the cost to the municipality of administering this program.

E. All fees for inspection must be paid prior to issuance of letter of compliance.

Section XII. Appeals

A. Appeals from decisions of the municipality or its authorized agents under this ordinance shall be made to the Borough Council in writing within thirty (30) days from the date of the decision in question.

B. The appellant shall be entitled to a hearing before the Borough Council at its next regularly scheduled meeting, if the appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting the appeal shall be heard at the subsequent meeting. The municipality shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the municipality. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.

C. A decision shall be rendered in writing within thirty (30) days of the date of the hearing. If a decision is not rendered within thirty (30) days, the release sought by the appellant shall be deemed granted.

Section XIII. Penalties

Any person failing to comply with any provisions of this ordinance shall be subject to a fine of not less than one hundred dollars (\$100) and costs, and not more than three hundred dollars (\$300) and costs, or in default thereof shall be confined in the county jail for a period of not more than thirty (30) days. Each day of noncompliance shall constitute a separate offense.

Section XIV. Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section XV. Severability

If any section or clause of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

D. IMPLEMENTATION SCHEDULE

Table 9-1 describes the proposed milestone schedule necessary to move the on-lot management program to a point of operational status.

TABLE 9-1

Schedule of Events

Adopt Wastewater Facilities Plan	August, 1990
Submit Wastewater Facilities Plan to DER	August, 1990
Obtain DER Final Approval of Plan	December, 1990
Organize Committee of Council to Administer Program	January, 1991
Adoption of Ordinances	February, 1991
Begin Implementation of On-Lot Management Program	February, 1991

Duly Enacted and Ordained this 4th day of March,
1991 by the Borough Council of the Picture Rocks Borough of Lycoming County,
Pennsylvania, in lawful seessions duly assembled.

ATTEST:

Borough of Picture Rocks

Lycoming County, Pennsylvania

William N. Dorn Sec.

BY: Susan Z. Detrick Vice-President
Chairman of the Borough Council