

ORDINANCE NO. 103-24

AN ORDINANCE OF THE TOWNSHIP OF CONNOQUENESSING, COUNTY OF BUTLER, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE REGULATION, INSPECTION, MAINTENANCE AND REHABILITATION OF ALL ON-LOT SEWAGE DISPOSAL SYSTEMS; TO FURTHER PERMIT THE TOWNSHIP TO INTERVENE IN SITUATIONS WHICH MAY CONSTITUTE A PUBLIC NUISANCE OR HAZARD TO THE PUBLIC HEALTH; AND TO ESTABLISH PENALTIES AND APPEAL PROCEDURES NECESSARY FOR THE PROPER ADMINISTRATION OF AN ON-LOT SEWAGE MANAGEMENT PROGRAM.

WHEREAS, the Township of Connoquenessing desires to provide for the regulation, inspection, maintenance and rehabilitation of all on-lot sewage disposal systems; to further permit the township to intervene in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program;

WHEREAS, the Township of Connoquenessing desires to further permit the township to intervene in situations which may constitute a public nuisance or hazard to the public health;

WHEREAS, the Township of Connoquenessing wishes to establish penalties and appeal procedures necessary for the proper administration of a sewage management program; and

NOW, THEREFORE, it is hereby enacted and ordained by the Supervisors of Connoquenessing Township, Butler County, Pennsylvania, as follows:

SECTION 1. TITLE.

(a) This Ordinance shall be known and may be cited as the "Connoquenessing Township Sewage Management Program Ordinance."

(b) In accordance with the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394, as amended, 35 P.S. 691.1 to 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), it is the power and the duty of Connoquenessing Township 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. Connoquenessing Township hereby implements 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 article is to provide for the regulation, inspection, maintenance and rehabilitation of all on-lot sewage disposal systems; to further permit the Township to intervene in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

SECTION 2. DEFINITIONS.

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

AUTHORIZED AGENT

A sewage enforcement officer, employee of the Township, professional engineer, plumbing inspector, or any other qualified or licensed person who is authorized to function within specified limits as an agent of the Township to administer or enforce the provisions of this article.

BOARD OF SUPERVISORS

The Board of Supervisors of the Township of Connoquenessing, Butler County, Pennsylvania.

COMMUNITY SEWAGE SYSTEM

Any system privately owned, for the collection of sewage from two (2) or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

COUNTY

Butler County, Pennsylvania.

DEPARTMENT

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

INDIVIDUAL SEWAGE SYSTEM

A system of piping, tanks or other facilities servicing a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this commonwealth.

MALFUNCTION

A 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 a building connected to the system, or in any manner causes a nuisance or 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 condition noted above occurs for any length of time during any period of the year.

OFFICIAL SEWAGE FACILITIES PLAN

A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board of Supervisors and approved by the DEP, pursuant to the Pennsylvania Sewage Facilities Act.

ON-LOT SEWAGE DISPOSAL SYSTEM

Any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank installed after the effective date of this article. This term includes both individual sewage systems and community sewage systems.

PERSON

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

REHABILITATION

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

SEWAGE

Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious 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.

SEWAGE ENFORCEMENT OFFICER (SEO)

A person certified by DEP who is appointed by the Township. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder, and this or any other ordinance adopted by the Township.

SEWAGE MANAGEMENT DISTRICT

Any area or areas within the Township.

SEWAGE MANAGEMENT PROGRAM

A comprehensive set of legal and administrative requirements encompassing the requirements of this article, the Sewage Facilities Act, the Clean Streams Law, the regulation promulgated thereunder and such other requirements adopted by the Board of Supervisors to effectively enforce and administer this article.

SUBDIVISION

The division or redivision of a lot, tract or other parcel of land into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

TOWNSHIP

The Township of Connoquenessing, Butler County, Pennsylvania.

(b) For the purposes of this article, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and the regulations promulgated thereto.

SECTION 3. APPLICABILITY.

From the effective date of this article, its provision shall apply to all on-lot sewage disposal systems and any alteration or conversion of such sewage disposal system within the Township.

SECTION 4. 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 is to be installed without first obtaining a permit from the SEO, which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law and the Pennsylvania Sewage Facilities Act and the regulations adopted pursuant to those acts.

(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 SEO.

(c) Applicants for sewage permits may be required to notify the SEO of the schedule for construction of a permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Facilities Act may be scheduled and performed by the SEO.

(d) No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the SEO.

(e) No building or occupancy permit shall be issued and no work shall begin on 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 either the structure's owner receives a permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from the SEO that such a permit will not be required. The SEO 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 the SEO.

SECTION 5. INSPECTIONS.

(a) Any on-lot sewage disposal system may be inspected by an authorized agent at any reasonable time as of the effective date of this article.

(b) Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.

(c) An authorized agent shall have the right to enter upon land for the purposes of inspections described in this section.

(d) An initial inspection shall be conducted by an authorized agent within one year of the effective date of this article for the purpose of determining the type and functional status of each sewage disposal system in the sewage management district. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the Township.

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

(f) An authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the authorized agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of DEP, including, but not limited to, those outlined in chapter 73 of title 25 of the Pennsylvania Code or is not technically or financially feasible in the opinion of the authorized agent and a representative of DEP, then action by the property owner to mitigate the malfunction shall be required.

(g) There may arise geographic areas where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a revision to the portion of the sewage facilities plan pertaining to areas affected by such malfunctions. When a DEP authorized official sewage facilities plan revision has been undertaken, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action may be compelled whenever a malfunction, as determined by Township and/or the DEP, represents a serious public health or environmental threat.

(h) Except in the case of an emergency, prior to inspection the Township shall give advance notice to the owner of a property to enable the owner to be personally present or be represented by an agent at the time of entry. Advance notice shall be given at least seventy-two (72) hours prior to inspection, unless waived, and shall be by any of the following:

- (1) Telephone;
- (2) Ordinary U.S. mail;
- (3) A written notice posted at the entrance to the structure or other place where it is likely to be seen by the owner; or
- (4) If the property appears to be vacant, notice shall be given by ordinary U.S. mail to the owner of record at the last known address, which appears in the records of the Tax Assessment Office of Butler County.
 - a. The notice shall be mailed at least seven (7) days prior to intended entry date.
 - b. Where the owner's name and/or address are not known, the notice shall be given by posting as described in subsection 3 above.

SECTION 6. 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 nondomestic oil.
- (3) Toxic or hazardous substances or chemicals, including, but not limited to, pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
- (4) Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and French drains.

SECTION 7. MAINTENANCE.

(a) Each person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the tank pumped as needed to prevent a Malfunction as defined in Section 2. Receipts from the pumper/hauler shall be retained by the owner and submitted to the Township upon request.

(b) The required pumping frequency may be increased at the discretion of an authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown.

(c) 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 Township 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 SEO for approval of the necessary repair.

(d) 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. A copy of the manufacturer's recommendations and a copy of the service agreement shall be retained by the owner and submitted to the Township upon request unless otherwise agreed to.

(e) Any person owning a building served by a cesspool or dry well shall have that system pumped according to the schedule prescribed for septic tanks. As an alternative to this scheduled pumping of the cesspool or dry well, the owner may apply for a sewage permit from the SEO 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.

(f) Additional maintenance activity may be required 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, and as otherwise required by the SEO.

SECTION 8. SYSTEM REHABILITATION.

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

(b) A written notice of violation shall be issued 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 raw or partially treated sewage without a permit.

(c) Within seven (7) days of notification by the Township 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 initial notification by the Township, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.

(d) The SEO shall have the authority to require the repair of any malfunction by the following methods: clearing, 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, replacing the system with a holding tank, or any other alternative appropriate for the specific site.

(e) In lieu of, or in combination with, the remedies described in subsection (d) above, the SEO 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.

(f) In the event that the rehabilitation measures in subsections (a) through (e) are not feasible or effective, the owner may be required to apply to DEP for a permit to install an individual spray irrigation treatment system on a single residence treatment and discharge system. Upon receipt of said permit, the owner shall complete construction of the system within thirty (30) days.

(g) Should none of the remedies described in this section be totally effective in eliminating the malfunction of an on-lot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

SECTION 9. LIENS.

The Township, upon written notice from the SEO that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage disposal system as

provided under the terms of this article, shall have the authority to perform, or contract to have performed, the work required by the SEO. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefor in accordance with law.

SECTION 10. DISPOSAL OF SEPTAGE.

(a) All septage originating within the sewage management district shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. 6018.101 et seq., and all other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

(b) Pumper/haulers of septage operating within the sewage management district shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.C. 6018.1003) and all other applicable laws.

SECTION 11. ADMINISTRATION.

(a) The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this article.

(b) The Township shall employ qualified individuals to carry out the provisions of this article. Those employees shall include the SEO and may include an administrator and such other persons as may be necessary. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this article.

(c) All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems in the sewage management district shall become the property of, and be maintained by, the Township. Existing and future records shall be available for public inspection during regular business hours at the official offices of the Township. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of DEP.

(d) The Township shall establish all administrative procedures necessary to properly carry out the provisions of this article.

(e) The Township may establish a fee schedule, and authorize the collection of fees, to cover the cost to the Township of administering this program as from time to time adopted by resolution of the Board of Supervisors.

SECTION 12. APPEALS.

(a) Appeals from final decisions of the Township or any of its authorized agents under this article shall be made to the Township Board of Supervisors in writing within thirty (30) days from the date of written notification of the decision in question.

(b) The appellant shall be entitled to a hearing before the Township Board of Supervisors within thirty (30) days of the filing of a written appeal. The Township Board of Supervisors shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Township.

(c) A decision shall be rendered in writing within thirty (30) days of the date of the final hearing.

SECTION 13. VIOLATIONS AND PENALTIES; ADDITIONAL REMEDIES.

(a) Violations and penalties. Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

(b) Equitable and other remedies. In addition to fines and penalties prescribed in Subsection (a) above, the Township may enforce this chapter by equitable, injunctive or other remedies of law, and shall recover from the violator(s) reasonable attorney's fees, court costs and other costs incurred by the Township in enforcing this chapter.

Duly presented and ENACTED and ORDAINED at a regular meeting of the Supervisors of Connoquenessing Township, Butler County, Pennsylvania, held on this 2nd day of October, 2024.

ATTEST:

CONNOQUENESSING TOWNSHIP



Secretary

By: 

Chairman