

## ORDINANCE 202

### ORDINANCE REGULATING INDIVIDUAL WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS

#### 202.1 DEFINITIONS

Definitions of words in this Ordinance are listed alphabetically in the Definitions Dictionary located at the beginning of the combined Ordinances of Delaware Township. These definitions are an integral part of the Ordinances of Delaware Township, which are incomplete without them.

#### 202.2 ADOPTION OF, COMPLIANCE WITH, AND INCORPORATION OF APPLICABLE STATE AND FEDERAL LAWS

The requirements and standards of the "Pennsylvania Sewage Facilities Act", 1966 January 24 P.L. (1965) 1535, 35 P.S. 750.1 "The Clean Streams Act", 1937 June 22 P.L. 1987, Article IX, Section 901, added 1965 August 23, P.L. 372, Section 5, effective January 1, 1966, 35 P.S. 691.1 the Code, Part I, Subpart C, Article II, Chapters 91, 93, 101, and 102: Title 25, Pennsylvania Code, Part III, Chapters 301, 303, and 305 and any revisions or amendments thereto are hereby adopted as the standards and requirements of Delaware Township and they are hereby incorporated herein as if set forth in their entirety, and shall be controlling for the construction, installation, maintenance, and operation of individual water supply systems and of on-lot, community, and centralized sewage disposal systems within the Township.

#### 202.3 PERMIT REQUIRED

A. Prior to the construction, alteration, relocation, replacement, installation, or connection of any individual water supply system or of any on-lot, community, or centralized sewage disposal system, a permit must be obtained from the Township. However, no permit is required for the construction and installation of the main lines and treatment facility of a centralized sewage disposal system, provided that plans approved by the Pennsylvania Department of Environmental Protection (hereafter referred to as DEP) have been filed with the Township. No permit for either a well or an on-lot, community or centralized sewage system will be issued unless permits for both water and sewage are in effect, or being issued for the same duration.

B. Builders, plumbers, well-drillers, and any other persons involved with the construction, alteration, relocation, replacement, installation, or connection of any individual water supply system or of any on-lot, community, or centralized disposal sewage system shall not proceed with any work on any system until they have ascertained that a permit has been obtained as required above.

C. No permit shall be issued until an application is delivered to the Township in the form prescribed, and the necessary fee paid.

D. Multiple lot sites. All applications will be reviewed with reference to the approved subdivision maps on record. An applicant/owner of multiple lots must conform to all regulations as they pertain to all lots unless a review of recorded deeds in the chain of title reveal an irrevocable covenant or restriction unifying the subject lots to use as one (1) homesite which may not be subdivided or sold separately without Township approval. All applications pursuant to this subsection must be accompanied by a certified copy of the pertinent deed or deeds.

E. Oral amendments to sewage permits shall be of no legal effect. All construction shall be pursuant to the specifications shown on the permit issued unless modified or amended, in writing, by the Sewage Enforcement Officer.

#### **202.4 PERMIT FEES**

A. Fees for the following types of permits shall be set from time to time by resolution of the Board of Supervisors:

1. Individual water supply systems.
2. Portable toilets.
3. On-lot sewage disposal systems, for:
  - a. Construction and installation.
  - b. Alteration, replacement, and/or repair.
  - c. Each inspection in addition to the first five (5).
4. Community sewage disposal systems, for:
  - a. Construction and installation. In addition, an amount equal to the actual cost incurred by the Township for engineering and legal services and inspections shall be paid by holders of such permits.
  - b. Alteration, replacement, and/or repair.
  - c. Installation and connection of lateral lines.
5. Centralized sewage disposal systems, for installation, connection, alteration, and/or repair of lateral lines.

B. If an application for a permit for the construction and installation of an on-lot sewage disposal system or for the installation and connection of a lateral line in a community sewage disposal system is denied, one-half (1/2) of the fee shall be refunded upon written request by the applicant on a form provided by the Township. The form shall provide that refunds processed within thirty (30) days of denial will require a waiver of the right to appeal. If the denial is appealed, then no part of the fee shall be refunded.

## **202.5 PERMIT APPLICATIONS**

A. Individual water supply systems. Applications for well permits must be accompanied by a plot plan showing the location of the proposed water supply system, including lines, and the distance of the proposed system from any existing or proposed sewage treatment tanks, sewer lines, and subsurface absorption areas, including those on adjacent properties. (See Section 202.7.)

B. Portable toilets. Applications for permits for the temporary use of a portable toilet must be accompanied by a copy of a maintenance contract for its upkeep, and must include the name of the manufacturer of the portable toilet.

C. Sewage disposal systems.

1. The application form for on-line and community sewage disposal systems shall be the form required by DEP from time to time it includes general procedures on its reverse side.

2. For on-lot community systems, a written statement including the following must accompany the application:

a. The consent of the owner of the property on which the system is to be installed.

b. The name of the user or owner of the system who will be responsible for its installation, maintenance, and repair.

c. The manner and rate of payment for the installation and maintenance of the system.

3. The application forms for the alteration or repair of lateral lines or their connection to centralized sewage disposal systems shall be forms approved by the Board of Supervisors from time to time.

4. Administrative procedures: DEP forms.

a. Application forms will be issued to applicants or their agents upon payment of the prescribed fee.

b. Part I of the application form must then be submitted to the Township along with a photocopy of a deed, tax receipt, or duly executed sales contract for the property upon which the system is to be constructed, repaired, etc.

c. An appointment must then be made with the Sewage Enforcement Officer (hereafter referred to as SEO) to conduct a site suitability investigation and test. This consists of a soil profile evaluation and a percolation test. The cost of all materials, equipment, and labor necessary for the tests shall be borne by the applicant. Survey pins must be exposed at the site, and lot lines flagged. Results of the site suitability investigation and test shall be recorded on the application form by the SEO.

d. The applicant must next complete all applicable parts of the form in accordance with the provisions of this Ordinance and of DEP, Chapter 73, "Standards for Sewage Disposal Facilities" (hereafter referred to as Chapter 73), and amendments thereto.

(1) The SEO may assist the applicant upon request but shall not become involved in the design of a disposal system.

(2) If additional sheets are necessary for completion of the plot plan, at least four (4) copies of each sheet must be attached to the application form however, the exact number of copies shall be determined by the SEO.

(3) After the plot plan and treatment method are completed, the applicant shall sign and date them and submit the application form to the Township for review.

(4) The review period shall begin when the completed, signed application is received by the Township, except when a State review is mandated or when a planning change is required, in which cases those steps shall be completed prior to the beginning of the review period.

e. After reviewing the completed application and any other required data, the SEO will sign and date the form if he or she is satisfied that the design complies with all applicable standards, which signature shall constitute the issuance of the permit to perform the work described in the application.

f. If the application is found to be incomplete or incorrect, or the design standards of Chapter 73 have not been met, the application shall be returned in accordance with the procedures set forth in DEP, Chapter 71, "Administration of Sewage Facilities Program" (hereafter referred to as Chapter 71), and any amendments thereto.

g. For commercial structures, applicants must submit components II and III of the application form to the Planning Commission for review, for

the purpose of revising the Official Sewage Plan. After the review and approval by the Board of Supervisors, components II and III will be forwarded to DEP by the SEO.

h. A maximum of five (5) inspections are covered by the standard permit fee. Additional inspections required for any reason whatsoever will result in additional fees.

#### **202.6 EXPIRATION OF PERMITS**

A. Any alteration or repair permit (for both water supply and sewage disposal systems) shall be valid for ninety (90) days from the date it is issued, unless extended by the SEO, after which period or extended period it shall expire, and a new permit shall be required.

B. Permits for portable toilets shall be valid only for the duration of the specific activity for which they are obtained, plus the removal period prescribed in Section 202.8.

C. All other permits shall be valid for three (3) years from the date they are issued, after which period they shall expire, and a new permit shall be required.

#### **202.7 STANDARDS - INDIVIDUAL WATER SUPPLY SYSTEMS**

The installation of individual water supply systems is regulated by the Township in or DEP to control their location (specifically, to insure that they are the required isolation distance from sewage disposal systems) and to assist the Township in assembling geological data for the Comprehensive Wastewater Plan. To further these objectives, and to protect public health and safety, the following standards must be complied with:

1. All individual water supply systems must be located in accordance with the minimum isolation distances required by DEP Rules and Regulations. No well shall be installed closer than one hundred feet (100') to any existing septic system or part thereof or any proposed septic system for which a valid permit exists at the time of application for the well permit.

2. All installers must adhere to the standards of DEP 1961, "AWWA Standards for Deep Wells" American Water Works Association Publication #A100-58 U.S. Environmental Protection Agency, "Manual of Individual Water Supply Systems", 1973 and any amendments thereto.

3. The well driller's report and DEP Form WW-1 must be delivered to the Township within thirty (30) days after any well is completed.

4. Any well whose location, construction, or installation is found to be in conflict with the provisions of this Ordinance shall have the defect corrected within sixty (60) days of the date of notice of such defect. If said defect is not corrected within the

prescribed period, then the well shall be capped with a minimum of fifty feet (50') of concrete or its equivalent within thirty (30) days of the notice to do so.

5. The use of cisterns or similar devices for the collection and storage of potable water for domestic purposes is specifically prohibited.

#### **202.8 STANDARDS - PORTABLE TOILETS**

A. In compliance with Sections 71.5 and 73.64 of DEP Rules and Regulations for portable toilets, the temporary use of such a toilet at a construction site or the site of a private or public gathering is permitted, provided that:

1. It has been made by an approved manufacturer.
2. There is a maintenance contract for its upkeep, a copy of which has been filed with the Township.

B. Portable toilets must be removed from construction sites within five (5) days after the completion of construction. No Occupancy Permit shall be issued until all portable toilets have been removed from a construction site.

C. Portable toilets must be removed from private or public gatherings within forty-eight (48) hours after the end of the gathering.

D. A permit for the use of a portable toilet may be revoked by the SEO if, in his/her judgement, maintenance of the unit is not being properly carried out.

#### **202.9 STANDARDS - SEWAGE DISPOSAL SYSTEMS**

##### **A. General requirements.**

1. No structure shall be occupied or inhabited or its sewage disposal system used until the sewage disposal system is approved by the SEO in accordance with the provisions of this Ordinance.

2. All sewage disposal systems must be maintained in operable condition in accordance with DEP Rules and Regulations.

3. Any malfunction in any sewage disposal system whose repair requires a change in the design of the system must be reported to the SEO, and a permit for the repair of the system obtained, within five (5) days of its occurrence.

4. All isolation distances required by DEP Rules and Regulations for any type of sewage disposal system must be met and maintained at all times. The isolation distance from the wells shall be from existing wells and from proposed wells for which a valid permit exists at the time of application for a sewage permit.

5. The material, size, and construction standards for all components of any sewage disposal system must meet the requirements of Chapter 73, or, for centralized sewage disposal facilities, the requirements of DEP "Guide for the Preparation of Application Reports and Plans". Provided, however, that no exceptions shall be made for rural residences as defined in Chapters 71 or 73, and the installation, alteration, or repair of any sewage disposal system or connection must comply with provisions of this Ordinance.

6. Any system not built according to DEP regulations, the provisions of this Ordinance, or any other applicable law shall be removed entirely from the site.

B. On-lot and community sewage disposal systems.

1. Building sewers (lateral lines)

a. The building sewer pipe must be laid at final grade level on ground compacted to a firm, non-yielding base. Under driveways or parking areas, the pipe shall be cast iron or Schedule 10 plastic pipe cased in steel pipe, at a minimum depth of twelve inches (12").

b. All other building sewer pipe must be Schedule 40 plastic pipe or the equivalent.

c. There shall be a maximum distance of fifty feet (50') between each cleanout, including any septic tank a cleanout is required at any change of direction in a line.

d. The point where the building sewer enters the treatment tank or branch line must be sealed and made watertight.

2. Septic tanks.

a. Septic tanks must be placed on ground compacted to a firm, non-yielding base. If the excavation for the tank is too deep, its bottom must be raised by placing and compacting a layer of crushed stone.

b. All septic tanks must have manholes that allow for internal inspection.

c. A six-inch (6") inspection port with a sealed cover must be installed at grade level above the inlet tee.

d. The effluent line from the septic tank must be sealed and made watertight.

3. Aerobic treatment tanks.

- a. All tanks shall have been approved for use by DEP.
- b. All electrical wiring to and within the control box must be installed according to the National Electric Code.
- c. Every tank must be equipped with a visual and audible alarm system that is designed to respond to any electrical or mechanical malfunction of the tank or its components.

4. Distribution boxes.

- a. All lines must be sealed and made watertight.
- b. All boxes must be laid on a concrete slab or firm, non-yielding base that is not subject to frost action or other disturbance.
- c. The person responsible for installation must provide water adequate to check the level of the inlet and outlet lines for testing purposes.
- d. A baffle must be installed if the discharge to the box is pump or siphon.

5. Pump and dosing tanks.

When pumps are used to raise sewage effluent from the building to the treatment tank, or from the treatment tank to the absorption bed, the following requirements must be met:

- a. Pumps must have a discharge capacity at least two (2) times the estimated peak flow of the facility served when operating at designed level of head, but not less than five (5) gpm. Dosing pumps must be sized to deliver a flow in gpm equal to or greater than the combined flows from all discharge holes in the laterals when operating at designed level of head.
- b. All pump electrical connections must conform to the National Electrical Code. Switches, alarms, and junction boxes must be installed in accordance with the requirements of the National Electrical Manufacturers Association (NEMA). All electrical splices and connections must be compatible.
- c. The applicant must provide the local agency (in this case, the Township), all data about the pump that is requested, including performance curve, discharge specifications, and installation instructions.
- d. When pump tanks or sumps are installed outside of a structure, the pump must be below the frost line with a minimum twenty-four inch (24") manhole riser to grade level.

e. A disconnect must be incorporated into the piping within the dosing tank or pump manhole so that it can be removed easily without entering the tank or manhole.

f. For lift pump tanks, an effective warning device to indicate when the tank is filled to within seventy-five percent (75%) of capacity must be installed. For dosing tanks, said device must be set to indicate when the tank is filled to a level six inches (6") above the high level mark. Warning devices must be installed in a place in a place frequented regularly, and must produce both an audible and a visual signal.

g. All pump lines must be installed on a single, continuous grade, with no high or low points on the line.

6. Absorption areas.

a. All lines must be exposed for inspection before the system is covered no part of the system shall be covered without approval from the SEO.

b. For elevated sand mounds, berm, sand, aggregate, and piping must be in place at final grade level for inspection.

c. When serial distribution is used, trench relief lines must have proper inlet and outlet box inverts for inspection, trench relief lines must be exposed at the invert and outlet box.

d. Untreated building paper, or a two-inch (2") layer of straw or hay, must be placed on top of the aggregate prior to final covering.

C. Centralized sewage disposal systems:

1. ADMINISTRATIVE PROCEDURES

All property owners must apply for a "Connect Permit" prior to constructing a building sewer or sewer lateral. The following information must be submitted before a permit will be issued:

a. The applicant shall substantiate in writing that the sewage treatment plant has sufficient capacity prior to obtaining permit to connect. A letter from the STF or Disposal System Owner shall be furnished.

b. The Township shall require a plot plan for the proposed sewer connection, which will show (with exact dimensions) the location of the connection point and all sewers.

c. All plans for sewer connections shall be accompanied by a profile (with exact vertical and horizontal scales) of the building sewer and sewer lateral.

d. All plans for pressurized sewer (i.e.: pumps, tanks, pressure sewers) connections shall contain accurate pump specifications and calculations to insure compatibility with existing equipment.

e. The plans for the connection shall specify in detail:

- the pipe material
- all fittings
- the connection type
- the trenching detail
- provisions for venting
- provisions for cleanouts
- backfilling provisions
- testing procedures

## 2. GENERAL CONSTRUCTION

All construction shall adhere to those standards set forth in Pennsylvania Department of Environmental Protection (PA DEP) Regulations Chapter 73, or the most restrictive, the BOCA Plumbing Code and to all other specifications of the Township.

a. All construction shall be water tight to prevent infiltration of sewage and infiltration of ground water.

b. All gravity sewer lines shall contain vents and cleanout between the building sewer and house plumbing in conformity with the BOCA Plumbing Code.

c. It shall be the responsibility of the owner to locate all unDEP ground utilities prior to construction and obtain all necessary construction permits.

d. All construction shall be inspected by the Township prior to covering to insure compliance with the design specifications.

e. All workmanship shall be done in a professional manner and all excess materials shall be cleared from the site at completion of the job.

f. All backfilling shall be done to existing grade (unless otherwise required by plans), as specified below and shall employ accepted erosion control measures.

## 3. BUILDING SEWER

- a. All PA DEP Chapter 73 and BOCA Plumbing Code requirements regarding grades, clean outs, etc. are to be met in addition to meeting the requirements stated herein.
- b. The building sewer shall have a clean out on the house side at the building foundation to facilitate sewer line cleaning.
- c. Sewer line vents shall be provided in accordance with the BOCA Plumbing Code requirements and PA DEP Chapter 73.
- d. The joint at the house foundation shall be sealed with tar or other waterproof material to reduce leakage into the building basement (concrete type caulk shall not be used alone).
- e. All gravity building sewers shall be constructed with schedule 40 PVC pipe or SDR 35 PVC pipe. Building sewers shall be a minimum of four-inch (4") diameter and at a minimum slope of quarter inch (1/4") per foot. The use of six-inch (6") diameter sewer laid at a minimum slope of one eighth inch (1/8") per foot is also acceptable.
- f. All joints shall be solvent welded on SCH 40 pipe and gasket push on joints for SDR 35 pipe.
- g. All building sewers shall be trenched and backfilled with clean fill. All pipes shall be bedded with clean bedding sand a minimum of four inches (4") around the pipe. Compaction of the remainder of the pipe trench shall be determined by depth of traffic load and location.
- h. When circumstances warrant (i.e.: shallow sewers, superimposed loads, roadways, stream crossings) special pipe and bedding shall be used.
- i. All gravity sewers must be either air tested or hydrostatically tested to insure watertight connections. The air test pressure shall be 6 psi. The installation shall fail the air test if after five minutes the air pressure in the pipe has dropped below 5 1/2 psi. Testing to be verified by Township.
- j. Isolation distance from wells and water lines shall be maintained as per PA DEP Regulations.

#### 4. SEWER LATERALS

- a. All sewer laterals shall use either a sanitary wye or approved saddle for their connection to the sanitary main.
- b. When possible sanitary wyes shall be installed with the sewer lateral to the edge of the road right-of- way (property line).

c. When sewer laterals are installed with the sanitary main, the stub of the lateral shall be visibly marked with a pressure treated two inch (2") by four-inch (4") board, which will extend from the end of the pipe up to existing grade.

d. The standards for construction of the lateral shall be the same as Section C - Building Sewer.

#### 5. PRESSURE SEWER CONNECTION TO SANITARY SEWER MAIN

a. All pressure sewers shall be SCH 40 PVC or SDR 26 PVC pipe with a minimum pressure rating of 150 psi at 70 F.

b. All fittings, valves, adapters and pipelines shall be of similar material and manufacturer so as to make a complete pipeline suitable for working pressures of 150 psi.

c. The installation shall be installed in accordance with BOCA Plumbing Code and PA DEP standards.

d. No part of the installation shall be covered until a pressure test of the force main line is conducted and approved in the presence of the Township.

e. When saddles are installed, they shall be tested for water tightness.

f. Pressure sewers, which discharge to a pressure sewer main, shall be connected with an approved pressure-rated tapping saddle and a corporation stop. An additional shut-off valve with an extended operator shall be installed at the property line.

g. Pressure sewers, which discharge into a gravity sewer main, will discharge into a sanitary wye installed as per Section D. A shut-off valve with an extended operator shall be installed at the property line.

h. All pressure sewers shall be hydrostatically tested at a pressure which is 50 psi greater than the anticipated operating pressure of the installation. The duration of the test shall be specified in the Unibell Plastic Association Handbook.

#### 6. DESIGN DETAILS

Attached to these specifications are typical schematic details identified as appendix A and appendix B, which shall be used as a guide for installing sewers as per these specifications.

**202.10 HOLDING TANKS - COMMERCIAL USE**

**I. HOLDING TANKS - COMMERCIAL USE**

A. The purpose of this section is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage upon already improved lots when no other sewage system can be reasonably utilized, and under no circumstances to make a property which would otherwise not be suitable for an on-site sewage disposal system usable solely through the addition of a holding tank.

B. Holding tanks must be operated in performance with this or any other ordinance of this township, and the provisions of any other applicable local, state, or federal law.

C. The Township's Sewage Enforcement Officer shall be permitted to inspect the holding tank on at least an annual basis, and more often if, in the sole discretion of the Sewage Enforcement Officer, such additional inspections are necessary. The Sewage Enforcement Officer shall maintain written records of such inspections.

D. The owner shall maintain written records of the time or times when the contents of the holding tank are collected, transported and disposed of, including receipts for payments and shall make same available for inspection by the Sewage Enforcement Officer.

E. The utilization of a holding tank on any property within the township shall be allowed only after application is made through the Sewage Enforcement Officer, and at the complete and sole discretion of the Delaware Township Board of Supervisors based upon the following criteria:

1. The property in question must be not less than one acre, limited to commercial use only, and not subject to any residential use whatsoever, whether in whole or in part
2. Presentation to the Sewage Enforcement Officer of a written contract for pumping, cleaning and removal of the contents of the holding tanks with a duly licensed and approved hauler
3. The property in question would be eligible for an on-site sewage disposal system other wise permissible under this ordinance, but constructed of same would be economically unfeasible or result in an extreme and unnecessary hardship upon the owner and
4. That the benefits of utilizing a holding tank, in the sole and complete discretion of the Delaware Township Board of Supervisors, clearly outweigh the potential harm resulting from same on an individual case by

case basis.

F. Any property owner wishing to maintain a holding tank shall pay an annual fee in an amount to be recommended by the Sewage Enforcement Officer and approved by the Board.

G. The holding tank shall be pumped at such time as the Sewage Enforcement Officer, at this sole discretion, deems appropriate.

H. The tank and placement of same shall be performed in such a manner as the Sewage Enforcement Officer shall, at his sole discretion, determine.

I. In addition to any other remedies provided in this ordinance, any violation of this section shall constitute a nuisance and shall be abated by the Township seeking appropriate equitable or legal relief through a Court of competent jurisdiction.

## **II. HOLDING TANKS - NON-COMMERCIAL**

Holding tanks that are to be used in whole or in part for residential purposes shall not under any circumstances be approved to serve as a permanent method of sewage disposal for the development of an unimproved lot, or as a substitute for an approved sewage disposal system to serve a newly proposed use or an expansion of an existing use.

A. Holding Tanks Permitted: Holding tanks may be permitted by the Board of Supervisors only under the following conditions, and in their sole and complete discretion.

1. As a temporary means while a malfunctioning system is being corrected.
2. For the correction of a malfunctioning system when no other means of correction is possible due to site or soil conditions which preclude correction in accord with DEP Rules and Regulations.
3. Where a property owner proposes to upgrade an existing system which is deficient from DEP Rules and Regulations, or where an existing structure has no system, and no other means is possible due to site or soil conditions which preclude the upgrade in accord with DEP Rules and Regulations

B. Requirements: In case where holding tanks are permitted the same requirement as those applicable to holding tanks for commercial uses shall apply.

### **202.11 MALFUNCTIONS AND REPAIRS**

A. No sewage system will discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth of Pennsylvania, except as specifically approved by DEP pursuant to Sections 202 and 207 of the Clean Streams Law. Unauthorized discharges shall be deemed to constitute malfunctioning sewage disposal systems and, when so ordered by the Sewage Enforcement Officer, an owner or operator of a malfunction sewage disposal system shall, within ten (10) days, contain said malfunction and, with forty-five (45) days, attempt to correct said malfunction by taking measures which will achieve maximum practical compliance with the current standards of Chapter 73 of DEP's rules and regulations, including, if necessary, the reconstruction, upgrading or replacing of such systems. Failure to contain the malfunction within (10) days or commence repairs within forty-five (45) days of notice shall constitute a violation of this Ordinance.

B. Where Chapter 73 standards cannot be met in the reconstruction of such a malfunctioning system due to inadequate land area, poor soils or other site characteristics, the Sewage Enforcement Officer may order the use of water conservation devices, aerobic treatment tanks, septic tank modifications, holding tanks or other measures to reduce the effluent flow or otherwise control effluent characteristics and thereby reduce the hydraulic and/or organic loadings on the system.

C. A malfunctioning sewage disposal system may be evidenced by discharge of effluent to the surface of the ground, bacteriological samples or dye tests which confirm pollution of wells or streams or the backup of sewage into house sewers. The SEO shall, subject to the requirements and authority of the Sewage Facilities Act and the Second Class Township Code, in response to written complaints by affected persons or with other evidence of nuisance to the public health, inspect any property, determine the existence of a malfunction and direct remedial action.

D. The owner shall submit to the SEO a repair permit application for review and approval within twenty-one (21) days of a malfunction notice. Said application shall be reviewed by the SEO and a repair permit issued prior to commencement of construction. The repair permit application shall include a plot plan indicating the layout of the lot and all existing and proposed surface features and improvements including the surface waters, wetlands, and the like within two hundred feet (200') of the malfunction. The application shall also include design plans details of all proposed work to repair the malfunction.

E. The Supervisors may also, upon evidence of more than one malfunction in a particular vicinity, as defined by the boundaries of a particular soil type, order the inspection of all sewage systems in that area and/or require regular periodic inspections for purposes of identifying and correcting malfunctions in high risk areas. Additional criteria for defining the extent of such high-risk areas may be set forth by action of the Supervisors.

**202.12 SEWAGE ENFORCEMENT OFFICER**

A Sewage Enforcement Officer (SEO), and an assistant SEO to act during any temporary absence or disability of the SEO, shall each be appointed for a term of one (1) year at the annual organizational meeting of the Board of Supervisors. The SEO shall not be removed from office except for cause after having been offered an opportunity for a hearing on specific charges.

### **202.13 QUALIFICATIONS OF SEWAGE ENFORCEMENT OFFICER**

The SEO shall:

1. Be licensed as a Sewage Enforcement Officer by the Commonwealth of Pennsylvania.
2. Be in good health, and physically able to carry out his/her duties.
3. Have no interest in the sale, construction, manufacture or structure of septic or sewage disposal systems, or of any material process or device used in connection with building construction, alteration, removal, or demolition, or of septic or sewage disposal system construction, installation, alteration, or repair.

### **202.14 DUTIES AND POWERS OF SEWAGE ENFORCEMENT OFFICER**

A. The SEO shall receive applications and issue permits and approvals required by this or any other Ordinance. He/she shall make inspections and carry out investigations to see that the provisions of applicable Township Ordinances and Regulations of the Commonwealth of Pennsylvania are complied with and that work is performed safely and properly shall make written reports when required and may issue notice or orders to enforce compliance with law, to remove illegal or unsafe conditions, or to secure safeguards during construction.

B. The SEO shall keep comprehensive records of applications, permits, approvals, inspections, reports, and notices or orders. He/she shall keep copies of required plans of all documents relating to individual water supply and sewage disposal systems as long as any part of any such system exists. All such records shall be open to public inspection during stated office hours for good and sufficient reason, but shall not be removed from the office without the SEO's written consent.

C. The SEO shall make monthly written reports to the Board of Supervisors, or more often if requested, including a list of permits, certificates and orders.

### **202.15 LIABILITY OF SEWAGE ENFORCEMENT OFFICER**

The SEO, or his/her assistant, charged with the enforcement of this Ordinance, and acting in good faith and without malice for the Township in the discharge of his/her duties, shall not thereby render himself/herself liable personally, and he/she is hereby relieved from

all personal liability for any damage that may occur to persons or property as a result of any act required or by reason of any act or omission, in the discharge of his/her duties. Any suit brought against the SEO or assistant SEO because of such act or omission performed by him/her in the enforcement of any provision of this Ordinance shall be defended by the Township Solicitor until final termination of the proceedings.

#### **202.16 INSPECTION AND APPROVAL - SEWAGE DISPOSAL SYSTEMS**

A. Acceptance of a permit application form shall constitute permission by the applicant for the SEO and the local agency (the Township, in this case) to enter the property of the applicant and to conduct inspections thereon.

B. The SEO shall be notified when any work is to start. No part of any installation may be covered until the work has been inspected and approved. The applicant may cover an installation after written approval is received, or in the absence of written approval or disapproval, seventy two (72) hours after notice to inspect is received by the SEO (excluding Saturdays, Sundays, and holidays). The SEO may inspect and make tests at any time before, during, or after construction, and may, by order of the local agency, require an installation to be uncovered if it was covered contrary to the provisions of this Ordinance.

C. At final inspection, the system must be complete and ready for operation. The SEO shall, if the requirements of this Ordinance have been met, issue final approval of the system at that time.

D. If any system or line does not meet the standards of this Ordinance or of DEP Rules and Regulations, the SEO shall notify the applicant in writing, and the applicant shall make all required corrections and request another inspection.

E. The SEO shall have the right to make an operational inspection of an aerobic treatment tank or pump tank before it is placed in operation, and to conduct appropriate tests in the event of a malfunction,

F. Any holes dug on any lot for the purpose of determining the suitability of the lot for the subsurface disposal of sewage shall be filled within one (1) month of the date they are dug or within five (5) days of the date testing is completed, whichever shall occur first.

#### **202.17 CONFLICT OF ORDINANCE WITH STATE OR FEDERAL LAW**

If any provision of this Ordinance conflicts with any provision of the "Pennsylvania Sewage Facilities Act", "The Clean Streams Act", the "Federal Water Pollution Control Act" or any regulation promulgated there under (see Section 202.2), the provision of such act or regulation shall prevail and apply, and until such provision is complied with, no permit shall be issued under this Ordinance and no individual water supply system shall be constructed or approved by the local agency or its authorized agent (the SEO).

**202.18 PENALTY**

Any person who violates the provisions of this Ordinance or who resists or interferes with any officers, or employees of the Township who, in accordance with the provisions of this Ordinance, are in the performance of their duty shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) or, in default of payment of the fine, shall be imprisoned for not more than thirty (30) days. Each day's continuance of each violation shall constitute a separate offense. All fines collected for the violation of this Ordinance shall be paid to: Delaware Township.

