

**PEACH BOTTOM TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2014-4

**AN ORDINANCE REPEALING THE PEACH BOTTOM TOWNSHIP SEWAGE
MANAGEMENT ORDINANCE IN ITS ENTIRETY AND ESTABLISHING
RULES AND REGULATIONS FOR THE MAINTENANCE OF ON-SITE
SEWAGE DISPOSAL SYSTEMS**

WHEREAS, the Peach Bottom Township Sewage Management Ordinance was adopted on October 2, 2006 and was amended on March 4, 2013; and

WHEREAS, Peach Bottom Township desires to repeal the Peach Bottom Township Sewage Management Ordinance and establish rules and regulations for the maintenance of on-site sewage disposal systems.

NOW THEREFORE BE IT ENACTED AND ORDAINED as follows:

SECTION I. DEFINITIONS.

A. Commercial or Industrial Structure – A structure designed for use as a place from which to manufacture, fabricate, work with, store or sell any items.

B. Dwelling Lot – A lot, tract, or parcel of land containing one or more dwelling units or commercial or industrial structures.

C. Dwelling Unit – A building or structure containing one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit.

D. Owner of Real Estate –

1. The owner, either individually or in combination with others, of any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including, without limitation, an estate in fee simple, life estate or perpetual leasehold; or

2. The owner, either individually or in combination with others, of any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term of the grant of a right to extend the term by renewable or otherwise, consists of a group of rights

approximating those of an estate in fee simple, life estate or perpetual leasehold, including without limitation, a lease hold interest or possessory interest under a lease or occupancy for a term of thirty (30) days or more or a leasehold interest of possessory interest in real estate in which the lessee has equity; or

3. The owner, either individually or in combination with others of any interest in real estate which, upon satisfaction of obligations contained in a certain agreement, will entitle the purchaser to obtain an interest in the real estate described in subparagraphs 1 or 2 above, provided possession is or is to be transferred to such agreement and prior to the completion of the obligations set forth in such agreement.

E. On-Site Sewage Disposal System – Any system of sewage disposal other than a public sewer system.

F. Malfunction – The condition which occurs when an on-site sewage disposal system discharges sewage onto the surface of the ground, into ground waters of the Commonwealth, into surface waters of the Commonwealth, backs up into the building connected to the system or otherwise causes a nuisance hazard to the public health or pollution of the ground or surface water or contamination of public or private drinking water wells. It shall also be a malfunction if any of the approved parts or components of the system are not present or are not functioning as designed. 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.

G. Act –The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537 as amended, 35 P.S. §750.1 *et seq.*

H. Pumper/Hauler – Any person registered in compliance with the Ordinance, and licensed by the Department of Environmental Protection and/or other governmental agency to engage in cleaning any or all components of a community or individual on-Site Sewage Disposal System, holding tanks, privies, aerobic tanks, cesspools, or any other sewage disposal facility within the Township and evacuate and transport the sewage cleaned therefrom, whether for a fee or free of charge.

I. Pumpers Report/Receipt – a form, provided by the Township, which shall be used by all pumper/hauler truck operators to report every pumping of an on-Site Sewage Disposal System in the Township. Form must be completed to describe all field observations indicated to be inspected.

J. Sewage Enforcement Officer (SEO) – the Sewage Enforcement Officer appointed by the Township.

SECTION II. INTENT OF ORDINANCE.

It is the intent of this Ordinance that no on-site sewage disposal system within Peach Bottom Township be permitted to malfunction. It is the further intent of this ordinance that to ensure the accomplishment of the aforesaid that each on-site sewage disposal system be pumped and inspected at least once every five (5) years and more frequently at the discretion of the Sewage Enforcement Officer, and that all malfunctions found during such inspections be promptly repaired and repaired in accordance with the Sewage Facilities Act.

SECTION III. PUMPER/HAULER REGISTRATION.

All Pumper/Hauler(s) shall at least 7 days before offering pumping/inspection services to owners of Real Estate within Peach Bottom Township:

- A. Register with the Township and agree to comply with all reporting requirements established herein.
- B. Identify all employees/owners and vehicles that will provide these services in the Township.
- C. Operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act, Act 97 of 1980, 35 P.S §§6018.101-6018.1003.
- D. Provide a current fee schedule for all services required under this Ordinance.
- E. Provide documentation that all septage pumped from properties in this Township will be delivered to a DEP approved site or facility.
- F. Provide evidence of workman's compensation and liability insurance coverages.

SECTION IV. DUTIES OF OWNER.

Each Owner of a Real Estate, Dwelling Unit or Commercial or Industrial Structure or other structure whose sewage needs are provided by an On-Site Sewage Disposal System shall within three hundred sixty-five days (365) days following the sending of notice have the On-Site Sewage Disposal System pumped and inspected by a Pumper/Hauler. Prior to the scheduling of such pumping and inspection the Owner of Real Estate must extend to surface grade the manhole of any septic tank and must cause any cesspool or dry well to be accessible for inspection. A notice shall be conclusively presumed to have been sent if it is deposited in the U.S. mail addressed to the Owner of Real Estate of any interest in the property served by the On-Site Sewage Disposal System and is sent to the address of such owner as set forth in the records utilized for the assessment of real estate

taxes. It shall be a violation of this Ordinance if any Owner of Real Estate given notice as above provided, fails to have the On-Site Sewage Disposal System to be pumped and inspected within three hundred-sixty five days (365) days following the sending of notice. A notice of violation will be sent to the Owner if the Township has not received a copy of the York County Sludge/Septage Manifest Report within ten (10) days from the three hundred sixty-five (365) day deadline to have the system pumped and inspected at which time the Owner shall be subject to penalties imposed under Section VI of this Ordinance.

In the event the inspection finds and the Sewage Enforcement Officer confirms in writing that the On-Site Sewage Disposal System is Malfunctioning the Owner of Real Estate shall follow the steps required by Section 2 of the Peach Bottom Township Sewage Permit Ordinance to repair the system; provided, however, unless the system is Malfunctioning to the surface of the ground, the Owner of Real Estate shall not be required to replace the tank, the cesspool, the drainfield, or the sand mound system.

The Owner of Real Estate upon which an On-Site Sewage Disposal System is constructed shall at all times operate and maintain the On-Site Sewage Disposal System in such condition as will permit it to function in the manner in which it was designed and to prevent the unlawful discharge of sewage.

SECTION V. DUTIES AND RESPONSIBILITIES OF PUMPER/HAULER.

- A. Upon completion of each required pumping, the Pumper/Hauler shall:
1. Complete a York County Sludge/Septage Manifest Report.
 2. Deliver the original York County Sludge/Septage Manifest Report to the Owner of Real Estate.
 3. Deliver a copy of the fully completed York County Sludge/Septage Manifest and Report of the Pumper Report to the Township not later than the tenth business day of the month following the month of inspection.
 4. The York County Sludge/Septage Manifest Report shall be on a three-part form provided by the Township and shall be completely filled out with all field observations completed.
- B. Initial and periodic tank pumping shall be performed to the requirements of the Act, unless other standards are specified by an equipment manufacturer.

SECTION VI. PENALTIES.

Any individual, firm or corporation found to be in violation of any of the provisions of this Ordinance shall be subject to penalty in the amount of one thousand dollars (\$1,000.00) for each and every violation. Each day following the ten (10) day period

provided in Section IV hereof without the Owner of Real Estate making arrangements for inspection or each day following the ten (10) day period provided in Section IV hereof without the Owner of Real Estate causing the On-Site Sewage Disposal System to be pumped and inspected, shall constitute a separate and distinct offense and each day that any individual, firm or corporation removing contents from an On-Site Sewage Disposal System fails to provide the information required by Section V to the Township shall constitute a separate offense.

SECTION VII. SEVERABILITY. If any section, subsection, sentence or clause of this ordinance is held, for any reason to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

SECTION VIII. REPEALER. Any ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

SECTION IX. EFFECTIVE DATE. This Ordinance shall be effective five (5) days after enactment.

ADOPTED AND ORDAINED this 11th day of JUNE 2014.

ATTEST:

**PEACH BOTTOM TOWNSHIP
BOARD OF SUPERVISORS**

Catherine M. Bilger
Secretary

S. David Stewart
Chairman