

CHAPTER 18  
SEWERS AND SEWAGE DISPOSAL

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Part 1

Holding/Retaining Tanks

§101. Purpose. The purpose of this Part is to establish procedures for the use and maintenance of existing and new holding/retaining tanks designed to receive and retain sewage, whether from residential or commercial uses, and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety, and welfare of the inhabitants of the municipality. (Ord. 4-2008, 8/13/2008)

§102. Holding/Retaining Tanks. Holding/retaining tanks are designed and constructed to facilitate ultimate disposal of the sewage at another site. This requires the control of holding/retaining tanks through specific restrictions on their use. (Ord. 4-2008, 8/13/2008)

§103. Definitions. Unless the context specifically and clearly indicates otherwise, the meanings of terms used in this Part shall be as follows:

HOLDING/RETAINING TANK - a watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water-carrying system and is designed and constructed to facilitate the ultimate disposal of sewage at another site.

IMPROVED PROPERTY - any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings and from which structure sewage shall or may be discharged.

MUNICIPALITY - Lower Oxford Township, Chester County, Pennsylvania.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON - any individual, partnership, company, association, corporation or other group or entity.

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

TOWNSHIP - Lower Oxford Township, Chester County, Pennsylvania.

(Ord. 4-2008, 8/13/2008)

§104. Conformance with Applicable Law Required. All such rules and regulations adopted by the Township shall be in conformity with the provisions herein, all other ordinances of the Township and all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania. (Ord. 4-2008, 8/13/2008)

§105. Design Standards. The holding/retaining tank system to be designed installed, operated and maintained by the owner upon the improved property shall be in accordance with or exceed the minimum requirements of the Pennsylvania Department of Environmental Protection (PADEP) and any other

applicable government agency or authority whether local, County, Township, State or Federal. The holding/retaining tank system shall be approved by the Chester County Health Department (CCHD) as to design, construction, installation and permitting. The owner assumes full responsibility for the proper design, construction, installation, operation and maintenance of the holding/retaining tank system. Any modifications to the holding/retaining tank system shall be presented to the CCHD for review and approval. The owner will inform the Township and CCHD of any substantial changes in the condition of the holding/retaining tank system. (Ord. 4-2008, 8/13/2008)

§106. Term of Operation. The holding/retaining tank system shall be operated as an interim measure for a period of three (3) years from the date of the issuance of the permit. After the expiration of the three (3) year period, the owner will either receive approval from the Township, CCHD, and PADEP for an addition period of time or will remove the holding/retaining tank system at the owner's expense and, after restoring the improved property, shall provide proof of such removal and restoration to the Township. (Ord. 4-2008, 8/13/2008)

§107. Inspection and Maintenance. The Township and CCHD are permitted to inspect the holding/retaining tank system at their discretion. In the event the inspection by the Township, or inspections by the CCHD indicate repair and/or replacement of any component part or all of the holding/retaining tank system in order to bring the holding/retaining tank system into compliance with PADEP or other applicable governmental requirements or regulations, the owner shall complete such repairs and obtain certification from the CCHD that the repairs have been made in accordance with PADEP Regulations (or other applicable regulations at issue), within thirty (30) days of the date the report is issued. (Ord. 4-2008, 8/13/2008)

§108. Establishment of Escrow Account. The owner shall establish an escrow account in an amount satisfactory to the Township Engineer and in a form satisfactory to the Township Solicitor. The owner agrees that should any cost be incurred by the Township for inspections, repairs and/or replacement of the holding/retaining tank system or its component parts or in the removal of effluent in accordance with the terms of this Part, the costs shall be recoverable by the Township from the owner. In the event the owner (or his heirs or assigns) shall fail to pay the Township for such costs or expenses, then the Township shall have the rights either to assess the escrow account or to sue the said owner in assumpsit for reimbursement for its costs or to cause a lien to be placed on the property in the amount of said expense. (Ord. 4-2008, 8/13/2008)

§109. Zoning, Land Development and Subdivision. It is expressly understood and agreed that nothing contained herein shall be construed to waive, affect or alter any requirements of the zoning, land development and subdivision or other ordinances of the Township and nothing contained herein empowers any Township officer or employee to waive any requirements of such ordinances. It is expressly understood and agreed that installation of the holding/retaining tank system upon the property does not constitute approval for any land development of the property. (Ord. 4-2008, 8/13/2008)

§110. Rates and Charges. The Township shall have the right and power to fix, alter, charge and collect rates, assessments and other charges in the

area served by its facilities at reasonable and uniform rates as authorized by applicable law. (Ord. 4-2008, 8/13/2008)

§111. Exclusiveness of Rights and Privileges.

1. The collection and transportation of all sewage from any improved property utilizing a holding/retaining tank and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

2. The Township will receive, review and retain pumping receipts from permitted holding/retaining tanks.

(Ord. 4-2008, 8/13/2008)

§112. Duties of Improved Property Owner. The owner of an improved property that utilizes a holding/retaining tank shall:

A. Maintain the holding/retaining tank in conformance with this or any ordinance of this Township, the provisions of any applicable law and the rules and regulations of the Township and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit the Township or its agent or other agency acting for the Township to inspect holding/retaining tanks on an annual basis or provide a written inspection report annually to the Township when the Township so directs.

C. Permit only certified or approved entities to collect, transport and dispose of the contents therein.

D. Provide the Township with receipt of the certified sewage pumper.

E. Provide a plan for procedures to be used should the tank malfunction.

(Ord. 4-2008, 8/13/2008)

§113. Violations and Penalties.

1. The penalty for violation of this Part shall be six hundred (\$600.00) dollars. If the penalty imposed by a violation of this Part is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a district justice. In addition to, or in lieu of civil actions before a district justice, the Township may use its authority to enforce this Part in equity. In any case when this Part has been violated and the penalty has not been paid, when the person upon the penalty was imposed is found to have been liable in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney's fees incurred by the Township in the enforcement proceeding.

2. A violation of this Part which is found to exist shall constitute a separate offense for each day in which said violation continues to exist. The fines, penalties, and other expenses incurred for the violation of this Part shall be paid to the Township Treasurer.

3. The Board of Supervisors may delegate the initial determination of the violation of this Part to a Township agent or employee.

(Ord. 4-2008, 8/13/2008)

§114. Abatement of Nuisances. In addition to any other remedies provided in this Part, any violation shall constitute a nuisance and shall be abated by the municipality by either seeking a mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(Ord. 4-2008, 8/13/2008)

Part 2

On-Lot Sewage Disposal Systems

§201. Purpose. The purpose of this Part is the establishment of minimum standards for the periodic pumping of treatment and pump tanks which are a component of on-lot sewage disposal systems and the establishment of a schedule and record keeping compliance for the periodic pumping of said systems. (Ord. 5-2008, 8/13/2008, §1)

§202. Terms and Definitions. The following words and terms when used in this Part shall have the following meanings:

ABSORPTION AREA - a component of an individual or community sewage system where liquid from a septic tank seeps into the soil, it consists of an aggregate filled area containing piping for the distribution of liquid in the soil or sand/soil combination located beneath the aggregate.

ABSORPTION AREA EASEMENT - a portion of a lot, tract or parcel that encompasses the primary replacement area and which shall be delineated and preserved. The primary replacement areas need not be contiguous.

AUTHORIZED AGENT - that individual or office established by the Board of Supervisors of Lower Oxford Township who is authorized to function within specified limits as an agent of Lower Oxford Township to administer and enforce the provisions of this Part.

BOARD - the Board of Supervisors of Lower Oxford Township, Chester County, Pennsylvania.

LOT - a parcel of land, the land area of which is contiguous and undivided by a street and which conforms to the provisions of the Lower Oxford Township Zoning Ordinance [Chapter 27], the Municipalities Planning Code and any other Township Ordinances, regulations, plans or maps.

ON-LOT SEWAGE SYSTEM - a system of piping, treatment tanks or other facilities serving on a single lot in collecting, treating and disposing of sewage into a subsurface absorption area.

OWNER - an individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the United States or Commonwealth, political subdivision, municipality, district authority or other legal entity which is recognized by the law as a subject of rights and duties being the title owner of property in Lower Oxford Township. The term includes members of an association, partnership or firm and the officers of a local agency or municipal, public or private corporation for profit or not for profit.

PERSON - any individual, partnership, corporation or other legal entity.

SEWAGE - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings 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 known as the Clean Streams Law, as amended.

SEWAGE ENFORCEMENT OFFICER - an employee and agent of the Chester County Department of Health.

TREATMENT TANK - a watertight receptacle which receives the discharge of sewage from a house, building or sewer line and is designed and constructed so as to permit settling of settleable solids from the liquid digestion of the organic matter by tension and discharge of the liquid portion into a distribution system or pit for underground dispersion or elevated sand mound. Treatment tanks include septic tanks, cesspools and the like.

(Ord. 5-2008, 8/13/2008, §2)

§203. Applicability. The requirements of this Part shall be effective throughout the municipal limits of Lower Oxford Township, Chester County, Pennsylvania. (Ord. 5-2008, 8/13/2008, §3)

§204. Responsibility.

1. The operation, maintenance and repair of an individual, commercial or community on-lot sewage system shall be the responsibility of the property owner.

2. It shall be the responsibility of the property owner which utilizes an on-lot sewage disposal system to have it pumped in accordance with the schedule set forth in this Part and to make such other repairs or replacement as are necessary to prevent the malfunctioning of the system.

3. The construction, repair and/or replacement of an individual, commercial or community on-lot system shall be subject to the issuance of appropriate permits by the Chester County Health Department and/or PADEP.

(Ord. 5-2008, 8/13/2008, §4)

§205. Maintenance.

1. Treatment Tank System. The owner of a lot which uses a treatment tank system must have the tank pumped and the contents disposed of at a licensed sewage disposal facility at least once every three (3) years by a Chester County Health Department licensed septic tank contractor. Every owner of a treatment tank system existing on any lot on the effective date of this Part shall submit proof of the required pumping and disposal in accordance with the following schedule.

2. Lower Oxford Township hereby establishes three (3) districts within the municipality in accordance with the diagram on the attached map<sup>1</sup> for scheduling the pumping out of on-lot sewage disposal systems in accordance with this Part.

3. Owners who have on-lot sewage disposal systems must pump out their on-lot systems on the schedule established for their district as noted below. Proof of said pump out shall be provided to the Township official established for this purpose within thirty (30) days of pumping out. The proof shall be

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<sup>1</sup>Editor's Note: The map is on file in the Township office.



in the form of receipted bill issued by the contractor or such other proof as shall be acceptable to the Township.

Following is the pump out schedule:

A. District 1 shall be pumped out no later than December 31, 2009, and every three (3) years thereafter.

B. District 2 systems shall be pumped out no later than December 31, 2010, and every three (3) years thereafter.

C. District 3 systems shall be pumped out no later than December 31, 2011, and every three (3) years thereafter.

4. For property owners whose systems have been pumped out within twelve (12) months of the December 31, 2009, deadline, proof of such pumping shall be submitted to the Township. That system will then fall into the district that would require pumping out again within a three (3) year period.

(Ord. 5-2008, 8/13/2008, §5)

§206. Rules and Regulations. Lower Oxford Township may establish rules and regulations by resolution concerning the administration for the pumping of on-lot sewage disposal systems including a modification of the districts and the fees established by the Township for the cost of administration of the program. (Ord. 5-2008, 8/13/2008, §6)

§207. Fees. Lower Oxford Township shall establish by separate resolution the fee for each property owner for the administration of the regulation of the tri-annual pump out systems. (Ord. 5-2008, 8/13/2008, §7)

§208. Authorization of Licensed Septic Tank Contractors. Chester County Health Department licensed septic tank contractors are the only entities authorized to pump out systems in Lower Oxford Township. All such contractors must provide to Lower Oxford Township a copy or other evidence of their permit before pumping out any system within Lower Oxford Township. Contractors are required to provide evidence of renewal of such licensing by the Chester County Department of Health. All haulers are required at all times to provide sufficient insurance to comply with the licensing requirements by the Chester County Health Department. All haulers are required to dispose of the sewage collected in Lower Oxford Township at an approved facility and in accordance with DEP regulations and regulations of the Chester County Health Department. (Ord. 5-2008, 8/13/2008, §8)

§209. Abandonment and Decommissioning of Treatment Tanks. Whenever a treatment tank is abandoned and decommissioned, the owner will have said tank pumped out by a licensed hauler and the sewage disposed of at an approved facility. The tank, if not removed, will then be filled with sand or gravel and meet any other regulations imposed by Chester County Health Department or Pennsylvania Department of Environmental Protection as well as other regulations of the Oxford Area Sewer Authority for the abandonment and decommissioning of the treatment tanks. (Ord. 5-2008, 8/13/2008, §9)

§210. Violations and Penalties.

1. The penalty for violation of this Part shall be six hundred (\$600.00) dollars. If the penalty imposed by a violation of this Part is not

voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a district justice. In addition to, or in lieu of civil actions before a district justice, the Township may use its authority to enforce this Part in equity. In any case when this Part has been violated and the penalty has not been paid, when the person upon the penalty was imposed is found to have been liable in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney's fees incurred by the Township in the enforcement proceeding.

2. A violation of this Part which is found to exist shall constitute a separate offense for each day in which said violation continues to exist.

3. The fines, penalties, and other expenses incurred for the violation of this Part shall be paid to the Township Treasurer.

4. The Board of Supervisors may delegate the initial determination of the violation of this Part to a Township agent or employee.

(Ord. 5-2008, 8/13/2008, §10)

§211. Equity. Notwithstanding the criminal procedure the Lower Oxford Township Board of Supervisors shall be authorized to proceed by an action in equity in the Court of Common Pleas of Chester County in order to enforce this Part where necessary. (Ord. 5-2008, 8/13/2008, §11)