

## ORDINANCE 5-2008

### AN ORDINANCE ESTABLISHING REGULATIONS FOR THE INSPECTION AND MAINTENANCE OF ON-LOT SEWAGE DISPOSAL SYSTEMS IN LOWER OXFORD TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA

Pursuant to the authority granted to the Board of Supervisors of Lower Oxford Township by the Pennsylvania Sewage Facilities Act, 35 P.S. 750.1, et sec. as implemented by and through the regulations issued by the Pennsylvania Department of Environmental Protection, Title 25, Chapter 71, 72 and 73 and regulations promulgated thereunder, and under the provisions of the Second Class Township Code, 53 P.S. 66501 et sec, the Board of Supervisors of Lower Oxford Township, Chester County, Pennsylvania do hereby ordain as follows:

**Section 1. Purpose.** The purpose of this Ordinance 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.

**Section 2. Terms and Definitions.** The following words and terms when used in this Ordinance 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 article.

“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, 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 is 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 water tight 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.

**Section 3. Applicability.** The requirements of this Ordinance shall be effective throughout the municipal limits of Lower Oxford Township, Chester County, Pennsylvania.

**Section 4. 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 Ordinance 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 PA DEP.

**Section 5. 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 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 Ordinance shall submit proof of the required pumping and disposal in accordance with the following schedule:

2. Lower Oxford Township hereby establishes three districts within the municipality in accordance with the diagram on the attached map for scheduling the pumping out of on-lot sewage disposal systems in accordance with this Ordinance.

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 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:

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

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

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.

**Section 6.** 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.

**Section 7. 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.

**Section 8.** 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.

**Section 9. 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.

**Section 10. Violations and penalties.** The penalty for violation of this Ordinance shall be Six Hundred (\$600.00) Dollars. If the penalty imposed by a violation of this Ordinance 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 Ordinance in equity. In any case when this Ordinance 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.

A violation of this Ordinance 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 Ordinance shall be paid to the township treasurer.

The Board of Supervisors may delegate the initial determination of the violation of this Ordinance to a township agent or employee.

**Section 11. 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 Ordinance where necessary.

**Section 12. Severability.** In the event that any term or provision of this Agreement shall be determined to be invalid or unenforceable, for any reason, this determination shall not affect any of the remaining terms and obligations of this Agreement, which shall be read and construed as if the parties had initially intended to omit that term or provision determined to be invalid or unenforceable.

ENACTED and ORDAINED this 13 day of August, 2008.

Effective within five (5) days of adoption.

Attest:

LOWER OXFORD TOWNSHIP

Sara B. Laganelli  
Secretary

Kenneth L. Hershey  
Kenneth L. Hershey, Chairman

W. Ronald Kepler  
W. Ronald Kepler

W. Ralph Cheek  
W. Ralph Cheek