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## TOWNSHIP OF MIDDLE PAXTON Dauphin County, Pennsylvania

### ORDINANCE NO. 2023-01

#### AN ORDINANCE ADDING AN ON-LOT SEWAGE MANAGEMENT PROGRAM GOVERNING MUNICIPAL MANAGEMENT OF ON-LOT SEWAGE DISPOSAL FACILITIES.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the Township of Middle Paxton, Dauphin County, Pennsylvania, as follows:

1. **Short Title; Introduction; Purpose**

- A. This Ordinance shall be known and may be cited as “An ordinance providing for an On-Lot Sewage Management Program for Middle Paxton Township”.
- B. In accordance with municipal codes, 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 municipalities 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. The Official Sewage Facilities Plan (Act 537) for Middle Paxton Township indicates that it is necessary to formulate and implement 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 Ordinance is to provide for the regulation, inspection, maintenance, and rehabilitation of on-lot sewage disposal systems; to further permit intervention 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.

2. **Definitions**

- A. Act – 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).
- B. Alternative System – A system for disposal of domestic wastewaters not operating below ground level, but located on or near the site of the building or buildings being served (e.g., composting toilets, gray water recycling systems, incinerating toilets, spray irrigation and black water recycling systems, etc.)
- C. Authorized Agent – A Pennsylvania licensed Sewage Enforcement Officer (SEO), who is authorized to function within specified limits as an agent of the Board of Supervisors to administer or enforce the provisions of this Ordinance.
- D. Board – The Board of Supervisors, Middle Paxton Township, Dauphin County, Pennsylvania.
- E. Cesspool – A below ground cavity built of loose rock or blocks that provides for the temporary storage of sanitary sewage until the sewage drains into the surrounding area.

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- F. Community Sewage System – Any system, whether publicly or privately owned, for the collection of sewage from two (2) or more lots or two (2) or more equivalent dwelling units, and the treatment and/or disposal of the sewage on one (1) or more lots or at any other site.
- G. DEP or Department – The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.
- H. Developer – Any person, partnership or corporation which erects or contracts to erect a building on property owned by it with the intent to sell the building to some other party upon its full or partial completion, or upon the conveyance of property on which the building is to be built.
- I. Equivalent Dwelling Unit (EDU) – For the purpose of determining the number of lots in a subdivision or land development, that part of a multiple family dwelling, commercial, industrial or institutional establishment with sewage flows equal to 400 gallons per day.
- J. Individual Sewage System – A system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of the Commonwealth of Pennsylvania.
- K. Land Development – A land development as defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10101 et seq.
- L. Lot – A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
- M. Malfunction – The condition occurring when an on-lot 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 a building connected to the on-lot 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 of the conditions noted above occur for any length of time during any period of the year or found to be not in compliance with DEP regulations.
- N. Management Program – The management program shall encompass the entire area of Middle Paxton Township serviced by sewage facilities or any other alternative system which discharges into the soils of the Township. All systems shall be operated under jurisdiction of the Middle Paxton Township Board of Supervisors regulating the subsurface disposal and/or alternative systems, and other applicable laws of the Commonwealth of Pennsylvania.
- O. Municipality – Middle Paxton Township, Dauphin County, Pennsylvania.
- P. Official Act 537 Sewage Facilities Plan – A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Township and approved by the Pennsylvania Department of Environmental Protection, as described in and required by the Pennsylvania Sewage Facilities Act.
- Q. On-Lot Sewage Disposal System – Any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal; including both individual sewage systems and community sewage systems.

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- R. On-Lot Sewage Management Program – A comprehensive set of legal and administrative requirements including this Ordinance, the Act, the Clean Streams Law, and all regulations and requirements adopted by the Board to enforce and administer this Ordinance.
- S. Owner – Any person having an equitable or legal interest in real estate in Middle Paxton Township.
- T. Person – Any individual, association, partnership, public or private corporation whether for profit or not-for-profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority or other legally recognized entity which is recognized by the 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 offices of any local agency or municipal, public or private corporation for profit or not for profit.
- U. Planning Module for Land Development – A revision to, or exception to the revision of, the Township Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with DEP regulations.
- V. Pumper/Hauler – Any person, company, partnership or corporation which engages in cleaning community or individual sewage systems and transports the septage cleaned from these systems.
- W. Rehabilitation – Work done to modify, alter, repair, enlarge, or replace an existing on-lot disposal system.
- X. Replacement Area – An area designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the DEP and all applicable township ordinances for an individual on-lot system, and shall be protected from encroachment by an easement recorded on the final plan as filed with the Dauphin County Recorder of Deeds.
- Y. Septage – Any human excrement, other domestic or restaurant waste, or other material or substance removed from a portable toilet, septic tank, seepage pit, treatment tank, cesspool, or other enclosure used for the storage or decomposition of sewage but does not include liquid industrial waste.
- Z. Septic System Report – Township form to be completed by the pumper/hauler for each individual on-lot sewage disposal system and forwarded to the Township after each inspection and/or pumping.
- AA. Septic Tank – A watertight tank that provides for the treatment of sanitary sewage prior to its discharge to an absorption area.
- BB. 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 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. 94), known as “The Clean Streams Law”, as amended.
- CC. Sewage Enforcement Officer (SEO) – An agent of the Township certified by DEP to review permit applications; conduct such investigations and inspections as are necessary to implement

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Act 537 and the rules and regulations promulgated thereunder; perform percolation tests, site and soil evaluation; and issue sewage permits for on-lot disposal systems.

- DD. Sewage Facilities – Any method of sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated sewage into the waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage.
- EE. Sewage Management District – Any area or areas of the Township designated in the 537 Plan adopted by the Board as an area where sewage management is to be implemented.
- FF. Single and Separate Ownership – The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot.
- GG. Subdivision – A subdivision as defined by the Pennsylvania Municipalities Planning Code, Act of July 1, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10101 et seq.
- HH. Township – Middle Paxton Township, Dauphin County, Pennsylvania.

### **3. Applicability**

From the effective date of this Ordinance, its provisions shall apply to every owner of a lot served by an on-lot sewage system within Middle Paxton Township and all persons or businesses servicing on-lot sewage systems (constructing, pumping, inspecting, or repairing on-lot sewage systems) within the Township.

### **4. Permit Requirements**

- A. No person shall install, construct, alter or request bid proposals for installation, construction, or alteration of an individual sewage system or community sewage system or construct or request bid proposals for construction or occupy any building or structure for which an individual sewage system or community sewage system 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 (35 P.S. §§691.1-691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 *et seq.*) 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 an SEO. If 72 hours have elapsed, excepting Sundays and Holidays, since the SEO issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the SEO.
- C. Applicants for sewage permits shall be required to notify the SEO of the schedule for construction of the 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 an 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 an 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

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permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate Township officials receive written notification from an 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 an SEO employed or appointed by the Township. DEP shall be notified as to the identity of each SEO employed or appointed by the Township.

### **5. Ground Markers**

Any person who shall install a new or rehabilitated (replacement) system after the effective date of this Ordinance shall provide a ground level secured riser/cover or access hatch to permit access to the waste disposal tank(s) requiring periodic inspections and maintenance.

### **6. Replacement Areas**

#### **A. Requirements.**

1. After the effective date of this Ordinance, a replacement area for an individual on-lot sewage system shall be required for all lots or lots to be created which are not serviced or to be serviced by a community sewage system, or for which a valid permit for installation of an individual on-lot sewage system has not been issued. All proposed and existing lots (created prior to the effective date of this Ordinance) requiring a sewage permit to be issued shall be required to show that the lot can provide areas for both a primary and replacement area for an individual on-lot sewage system.
2. The replacement area provided shall comply with the Act and with all regulations issued by the DEP as incorporated into this Ordinance concerning individual on-lot sewage systems, including isolation distances, and with the terms of this Ordinance and any other applicable township ordinances.

#### **B. Identification of replacement area.**

1. Each applicant who shall submit a plan for the subdivision or development of land or who shall apply for a permit for the installation of an individual on-lot sewage system, or who shall request approval of a planning module for land development or the adoption of a revision, exception to revision or supplement to the official plan shall demonstrate to the satisfaction of the SEO that a suitable area exists on the lot or on each lot to be created for an initial individual on-lot sewage system and for the replacement area. The SEO shall perform or observe all tests required for the location of an individual on-lot sewage system to confirm the suitability of the replacement area. Allowance of open land for the replacement area without testing performed or observed by the SEO shall not constitute compliance with the requirements of this section.
2. The location of the initial individual on-lot sewage system and the replacement area as confirmed by the SEO shall be identified on the plot plans and diagrams submitted as part of the permit application.
3. If the application has been submitted as a part of an application for subdivision or land development approval or as part of a request that the Township approve a planning module for land development or amend its official plan, or a request for an exception to the revision of the official plan, the location of each initial individual on-lot sewage system and each replacement area shall be noted upon the plans. If the application is for subdivision or land development

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approval, a note constituting a permanent easement shall be added to the plans stating that no improvements shall be constructed upon the replacement area, and the deed to be recorded for each lot created as part of the subdivision or land development shall contain language reflecting this limitation.

4. Any revisions to a permit or plan affecting a replacement area which previously has been approved pursuant to the provisions of this Ordinance shall be reviewed for approval by the Board or its authorized agent.

### C. Construction restrictions.

1. The easement for the replacement area noted upon the plan and recorded with the Dauphin County Recorder of Deeds shall state that no permanent or temporary improvements of any character other than shallow rooted plant matter shall be constructed upon the replacement area.
2. This provision shall be enforced by the Township unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the SEO that an alternate replacement area which complies with all applicable regulations of the DEP, this Ordinance and all other applicable Township ordinances, exists upon the lot. If such an alternate replacement area shall be identified, the alternate replacement area may be considered to be the replacement area required by this Ordinance and shall be designated as the replacement area. The newly designated replacement area shall thereafter be considered the replacement area for the purpose of this Ordinance.

### D. Relief from replacement area requirement.

1. If any lot held in single and separate ownership as of this effective date of this Ordinance does not contain land suitable for a replacement area, the applicant submitting a land development plan or a planning module for land development or desiring to install an individual sewage system may request that the Board grant an exception to the requirement of replacement area.
2. The applicant for such an exception shall present credible evidence to the Board demonstrating that the lot was held in single and separate ownership on the effective date of this Ordinance; the size of the lot; inability of the applicant to acquire adjacent land or the unsuitability of adjacent land which might be able to be acquired; and the testing conducted to determine that the lot is not suitable to provide a replacement area.
3. At all times the burden to present credible evidence and the burden of persuasion shall be upon the applicant for an exception from the terms of Section 6 of this Ordinance. In no case shall any lots be exempted from the requirements of Section 4 of this Ordinance.

## 7. **Inspections**

- A. An inspection shall be conducted whenever an on-lot sewage system is pumped in accordance with this Ordinance. It shall be the owner's responsibility to schedule the inspection with a licensed pumper/hauler that is registered with the Township for the same time as the system is pumped. The Township shall include a list of licensed pumper/haulers registered with the Township when notifying owners of property served by an on-lot sewage disposal system that their system must be pumped and inspected and shall also include that list on the Township's website.
- B. The person (Pumper/Hauler) completing the inspection shall prepare a written report on the inspection findings using the Septic System Report form and immediately provide the completed

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form to the owner. The person (Pumper/Hauler) completing the inspection shall be responsible for submitting the completed form to the Township within fifteen (15) days following the inspection.

- C. Any on-lot sewage disposal system may be inspected by an authorized agent at any reasonable time as of the effective date of this Ordinance.
- D. An authorized agent shall have the right to enter upon land for the purposes of inspections described in this section. Notice of intent shall be given to the owner of the property by registered mail. The authorized agent shall announce their presence at the door of the primary structure on the property prior to inspecting the on-lot sewage disposal system. In the event access to inspect the property is denied, the following steps shall be taken.
  - 1. The matter will be officially referred to the Board for action.
  - 2. The Board may schedule a review with the authorized agent to discuss appropriate enforcement action. If the situation threatens the health or safety of the residents of the Township, the Board may commence an immediate procedure per the recommendation of the SEO or authorized agent.
  - 3. The authorized agent of the Township shall be accompanied by an officer of the Pennsylvania State Police and the inspection shall be accomplished in accordance with this section.
- E. The 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 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. A copy of the inspection report shall be furnished to the owner and current resident which shall include all of the following information which is reasonably available to the individual or agency responsible for pumping the septic tank: date of inspection; name and address of system owner; description and diagram of the location of the system including location of access hatches, risers and markers; size of tanks and disposal fields; current occupant's name and number of users; indication of system malfunction observed; results of any and all soils and water tests; and any remedial action required.
- F. An authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspection confirm that the system is 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 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.

### 8. **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 non-domestic oil.

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3. Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants (excluding household cleaners), 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.

### 9. **Maintenance**

- A. The Township shall notify all owners of property served by an on-lot sewage disposal system that their system must be pumped and inspected within twelve (12) months from the date the notification letter is postmarked. The Township shall follow a schedule whereby approximately one-fourth (1/4) of all owners of properties within the Township served by on-lot sewage disposal systems are notified annually of the pumping and inspection requirement, such that all owners are notified at least once every four (4) years. Any person owning a building served by an on-lot sewage system within the Township which contains a treatment tank shall have the tank pumped by a licensed pumper/hauler who is registered with the Township. The owner of any property must have his system pumped within the time period specified in the Township's notification letter, unless the owner can provide the Township with a receipt or other written evidence showing that the tank has been pumped within the past one (1) year. Property owners providing such written documentation satisfactory to the Township can request a postponement of their initial required pumping until the end of a four (4) year period following enactment of this Ordinance.
- B. The following Sewage Management Districts are hereby designated for any person owning a building served by an on-lot sewage disposal system located within the following Township Sewage Zone Map.
  1. Middle Paxton Township ZONE 1 West of S.R. 225 to the Western Banks of the Susquehanna River.
  2. Middle Paxton Township ZONE 2 Clark's Valley.
  3. Middle Paxton Township ZONE 3 Stony Creek Valley.
  4. Middle Paxton Township ZONE 4 Fishing Creek Valley including Front Street & Roberts Valley Road.
- C. Pumpers/ Haulers must provide a fully completed Septic System Report to the Township within fifteen (15) days of the date of pumping. The Pumper/Hauler shall email, mail or hand-deliver the Septic System Report to the Township Municipal Building at P.O. Box 277, 10 Elizabeth Avenue, Dauphin PA 17018 or email at middlepaxtontwp@comcast.net.
- D. Commencing from the date of pumping as prescribed in Subparagraph A above, removal of septage or other solids from treatment tanks shall be performed every four (4) years or whenever an inspection program reveals the treatment tanks are filled with solids in excess of 1/3 of liquid depth of the tank or filled with scum in excess of 1/3 the liquid depth of the tank.
- E. The required pumping frequency may be increased at the discretion of the SEO 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 (as determined by the SEO).



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- F. Treatment tanks to be pumped more frequently than the required four (4) years must have a Septic System Report prepared and provided to the Township within fifteen (15) days of each pumping occurrence.
- G. The Township based on the recommendation of the SEO and/or manufacturers specification may allow a treatment tank to be pumped less than once every four (4) years if it is demonstrated to the satisfaction of the Township that the system will operate to its maximum efficiency with less frequent pumping. Such a request may be made after the initial pumping and inspection. Requests must be in writing with all supporting documents attached. The Township, in making its determination, shall take into account the information submitted by the applicant, the sewage permit issued by the Township SEO upon installation or rehabilitation of the system and supporting documentation, reports of inspection and maintenance of the system including documentation that the sludge depth and/or scum layer is less than one third (1/3) of the tank capacity as determined by a pumper/hauler, and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection, surface or subsurface, and soil or wastes sampling conducted for the purposes of evaluating the request. The applicant shall receive a decision within thirty (30) days of receipt of all necessary information by the Township.
- H. The owner of a property upon which an on-lot sewage system is constructed shall maintain the area around such system so as to provide convenient access for inspection, maintenance, and pumping; and divert surface water and downspouts away from the absorption area and other on-lot sewage system components.
- I. Tanks shall only be pumped from/through the manhole/access port, i.e., the largest tank opening. Tanks shall not be pumped from/through the observation port.
- J. Any person owning a building served by an on-lot sewage disposal system which utilizes alternate technology, or 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 submitted to the Township within six (6) months of the effective date of this Ordinance. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.
- K. 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, or other acceptable means as determined by the SEO and/or DEP.

### 10. **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 sewage without a permit.

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- C. Within seven (7) business days of notification by the Township that a malfunction has been identified, the owner shall make an application to the SEO for a permit to repair or replace the malfunctioning system. Within sixty (60) days of original notification by the Township, the permitted repair or replacement 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: cleaning, 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 areas; 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 conserving devices and appliances.
- F. In the event the rehabilitation measures in Subsections C through E are not feasible or do not prove effective, the Township may require the owner to apply for a permit to construct a holding tank. Upon receipt of said permit, the owner shall complete construction of the system within thirty (30) days unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.
- G. Should none of the remedies described above prove effective in eliminating the malfunction of an existing on-lot sewage disposal system, the owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction.

### 11. **Liens**

The Township, upon written notice from the SEO that an imminent health hazard exists due to failure of the owner to maintain, repair, or replace an on-lot sewage disposal system as provided under the terms of this Ordinance, 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 therefore in accordance with law.

### 12. **Disposal of Septage**

- A. All septage originating within the Township 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.
- B. Pumper/haulers of septage operating within the Township shall 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) and all other applicable laws and must maintain current registration with the Township.

### 13. **Discontinuance of Individual On-lot Sewage Disposal System**

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- A. Upon discontinuance of the use of any tank for sewage disposal purposes, whether by mandatory or voluntary connection to a community sewage system or abandonment for any other reason, the owner thereof shall have the tank pumped and flushed by a pumper/hauler and, at the owner's option, either physically removed from the premises or filled with soil and/or stone.
- B. When the owner elects to have the tank filled with stone as permitted by Subsection A above, said tank may then be used for the discharge of stormwater, sump pump discharge or other effluent not qualifying for discharge into the community sewage system, provided that said discharge is otherwise permitted by applicable law.

### 14. **Administration**

- A. The Township shall employ or contract with qualified individuals to carry out the provisions of this Ordinance.
- B. All permits, records, reports, files and other written materials relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems within the sewage management districts 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 office 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.
- C. The Township Board of Supervisors shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.

### 15. **Appeals**

- A. Appeals from decisions of the Township or any of its authorized agents under this Ordinance shall be made to the 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 Board of Supervisors at its next regularly scheduled meeting if a written appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received less than fourteen (14) days prior to the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting. The municipality 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. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.
- C. A decision shall be rendered in writing within thirty (30) days of the date of the hearing.

### 16. **Penalties**

Any person failing to comply with any provision of this Ordinance shall be subject to a fine and costs of not more than Five Hundred dollars (\$500). Each day of noncompliance shall constitute a separate offense.

REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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SEVERABILITY. If any section or clause of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

EFFECTIVE DATE. This Ordinance shall take effect and be in force five (5) days after its enactment.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2023.

**Attest:**

**BOARD OF SUPERVISORS  
MIDDLE PAXTON TOWNSHIP**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor