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ARTICLE I Public Sewer Connections

§ 164-1. Definitions and interpretations.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part 1 shall be as follows:

AUTHORITY — The North Middleton Authority, a Pennsylvania municipality authority.

BUILDING SEWER — The extension from the sewage drainage system of any structure to the lateral of a sewer.

IMPROVED PROPERTY — Any property located within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT — Any improved property located in this Township used wholly or in part for the manufacturing, processing, cleaning, laundering or assembly of any product, commodity or article, or any other improved property located in this Township from which wastes, in addition to or other than sanitary sewage, are discharged.

INDUSTRIAL WASTES — Any and all wastes discharged from an industrial establishment, other than sanitary sewage.

LATERAL — That part of the sewer system extending from a sewer to the curb line or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer, and to be maintained by the property owner there served.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON — Any individual, partnership, company, association, society, corporation or other group or entity.

SANITARY SEWAGE — Normal water-carried household and toilet wastes from any improved property.

SEWER — Any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM — All facilities, as of any particular time, for collecting, pumping, treating or disposing of sanitary sewage and/or industrial wastes, to be owned by the Authority and to be leased to this Township, for operation and use.

TOWNSHIP — The Township of North Middleton, Cumberland County, Pennsylvania, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

WORKING HOURS — Monday through Friday, 7:00 a.m. to 3:30 p.m. except Authority holidays or as determined by Authority Board.

§ 164-2. Use of public sewers required.

A. Responsibility for connection; time limit. The owner of any improved property accessible to

and whose principal building is within 150 feet of the sewer system and whose boundary line abuts the sewer system shall connect such improved property therewith, in such manner as this Township may require, within 90 days after notice to such owner from this Township to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein otherwise by this Township, from time to time.

- B. Connection to sewer. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under § 164-2A shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or otherwise by this Township, from time to time.
- C. Prohibited means of disposal and discharge of sewage.
 - (1) No person shall place or deposit or permit to be placed or deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of § 164-2A.
 - (2) No person shall discharge or permit to be discharged to any natural outlet within this Township any sanitary sewage or industrial wastes in violation of §164-2, except where suitable treatment has been provided which is satisfactory to this Township.
- D. Prohibited connections; abandonment of sewage receptacles.
 - (1) No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a sewer or which shall be required under §164-2A to be connected to a sewer.
 - (2) Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be cleansed and filled under the direction and supervision of this Township; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the owner of such improved property.
- E. Connection of sewage receptacles to sewer prohibited. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.
- F. Notification of connection and service. The notice by this Township to make a connection to a sewer, referred to in §164-2A, shall consist of a written or printed document requiring such connection in accordance with the provisions of §164-2A. Such notice may be given at any time after a sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

§ 164-3. Building sewers and connections.

- A. Permit required to connect. No person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any sewer or the sewer system without first making application for and securing a permit, in writing, from this Township.
- B. Application for permit. Application for a permit required under § 164-3A shall be made by the owner of the improved property to be served or his duly authorized agent.
- C. Prerequisites to connections. No person shall make or cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:

- (1) Such person shall have notified the Township/Authority of the desire and intention to connect such improved property to a sewer.
 - (2) Such person shall have applied for and obtained a permit as required by § 164-3A.
 - (3) Such person shall have given the Township/Authority at least 24 hours' notice of the time when such connection will be made; so that this Township may supervise and inspect the work of connection and necessary testing. Both notice and connection shall occur during working hours.
 - (4) Such person shall have furnished satisfactory evidence to the Township/Authority that any tapping fee charged and imposed by the Authority against the owner of such improved property who connects such improved property to a sewer has been paid.
- D. One property per connection; exception. Except as otherwise provided in this section, each improved property shall be connected separately with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of this Township, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this Township.
- E. Cost responsibility. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.
- F. Connection point; invert.
- (1) A building sewer shall be connected to a sewer at the place designated by this Township or the Authority and where the lateral is provided.
 - (2) The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.
- G. Township may make connection. If the owner of any improved property is within 150 feet of the sewer system and whose boundary line abuts the sewer system, after 90 days' notice from this Township, in accordance with § 164-2A, shall fail to connect such improved property, as required, this Township may make such connection and may collect from such owner the costs and expenses thereof. In such case, this Township shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the improved property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such improved property to pay said bill, this Township shall file a municipal lien for said construction within six months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

§ 164-4. Rules and regulations governing building sewers and connections to sewers.

- A. House sewer attachment to sewer. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be removed and replaced on the structure side of such sewage

disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line as a building sewer.

- B. Inspection. No building sewer shall be covered until it has been inspected and approved by this Township. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.
- C. Maintenance. Every building sewer and lateral of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- D. Excavations. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Township.
- E. Unsatisfactory conditions; notice to remedy. If the owner of any improved property located in the Township shall fail or refuse, upon receipt of a notice of this Township, in writing, to remedy any unsatisfactory condition with respect to a building sewer and lateral, within 30 days of receipt of such notice, this Township, in addition to other remedies set forth in this section, may refuse to permit such person to discharge sanitary sewage and industrial waste into the sewer system until such unsatisfactory conditions shall have been remedied to the satisfaction of this Township. In situations where the owner of an improved property has failed to remedy an unsatisfactory condition after receiving 30 days' notice as provided herein, the Township or its agents may enter upon such property and modify the building sewer and lateral in order to remedy the unsatisfactory condition. In such cases, the Township shall forthwith, upon completion of the work, send an itemized bill of the costs of the work performed on such modification to the owner of the improved property to which repair to the building sewer and lateral has been made, which bill shall be payable forthwith. In case of neglect or refusal of the owner of such improved property to pay said bill, this Township shall file a municipal lien for said construction within six months of the date of completion of the construction of said modification, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens. Furthermore, in such cases where the owner of the improved property has failed to remedy the unsatisfactory condition within said 30 days notice, such failure shall be deemed to be a violation of this ordinance and subject the owner of the improved property to the enforcement provisions set forth below.
- F. Additional rules and regulations. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be construed pursuant to §164-4A.
- G. Objectives of connections.
 - (1) Maintenance of an efficient sewer system by ensuring proper connection to and use of the sewer system to eliminate or reduce discharge of surface water or of any substance other than sanitary sewage and industrial wastes as authorized in §164-4C&E.
 - (2) Prevention of conditions in sewer system which are hazardous to the public health, welfare and safety.
 - (3) Conduct of routine periodic inspections of buildings and premises connected to sewer system to ensure compliance with ordinances, resolutions and regulations, which inspections are deemed essential to accomplish objectives set forth herein.
- H. Inspections. Periodic inspections at least once per year are deemed reasonable for the accomplishment of the above objectives. More frequent inspections may be held when conditions exist which are a reasonable indication that violations of the sewer ordinances, resolutions and regulations exist.

- I. Authority of inspectors. Authorized officials, agents and employees of Township, including members, agents and employees of the North Middleton Authority under operating agreement with Township, shall have authority to conduct inspections, including routine periodic inspections, of premises by consent of owners or in the absence thereof, by obtaining a search warrant; and said officials, agents and employees, upon information of conditions within sewer system from which an inference can be drawn that violations of sewer ordinances, resolutions and regulations have been committed or can reasonably be construed to have been committed shall have the authority to inspect premises by consent of owners or, in the absence thereof, by obtaining a search warrant.

§ 164-5. Obstructions prohibited of easements and right-of-ways.

A. Water lines/ Sewer lines and Storm sewer lines

- The erection, construction, placement, locating or planting of any improvement, fixture,
1. fence, landscaping, vegetation, trees, shrubbery, or other object, whether permanent or temporary, along any public water or sewer easement, or North Middleton Township right-of-way or North Middleton Authority shall be prohibited.
 2. Any violation of this Ordinance shall entitle the Township, at its discretion, to remove such improvement, fixture, fence, landscaping, vegetation, trees, shrubbery, or other object at the property owner's expense. The Township or the Authority shall not be responsible for replacement thereof.

§ 164-6. Enforcement; violations and penalties.

- A. Any violation of this Ordinance shall entitle the Township, at its discretion, to remove such improvement, fixture, fence, landscaping, vegetation, trees, shrubbery, or other object at the property owner's expense. The Township or the Authority shall not be responsible for replacement thereof.
- B. Any person who shall violate this article shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than \$100 nor more than \$600, together with cost of prosecution in each case. Each day a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.
- C. Recovery of fines and costs. Fines and costs imposed under this Article I – Public Sewer Connections shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE II Public Sewer System Rates and Usage

§ 164-7. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this article shall be as follows:

AUTHORITY — The North Middleton Authority, a Pennsylvania municipality authority.

BOD (BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen expressed in parts per million (ppm), utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at 20° C. The standard laboratory procedure shall be that found in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association.

DWELLING UNIT — Any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by persons living alone.

NONRESIDENTIAL UNIT — Any structure connected to the sewer system not covered by the definition of "dwelling unit" above.

IMPROVED PROPERTY — Any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL WASTES — Any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of one development, recovery or processing of natural resources, as distinct from sanitary sewage.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON — Any individual, partnership, company, association, society, corporation or other group or entity.

pH — The logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams or per liter of solution, indicating the degree of acidity or alkalinity of a substance.

ppm — Parts per million by weight.

SANITARY SEWAGE — Normal water-carried household and toilet wastes from any improved property.

SEWER — Any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM — All facilities, as of any particular time, for collecting, pumping, treating and disposing of sanitary sewage and/or industrial wastes, situate in or adjacent to this Township to be acquired and owned by the Authority and to be leased to this Township for maintenance and operations under a proposed agreement of lease, to be dated as of July 1, 1980, by and between the Authority and this Township and any supplements and amendments thereto; and further including all other facilities for collecting, pumping, treating and disposing of sanitary sewage and/or industrial wastes situate within or adjacent to this Township.

SUSPENDED SOLIDS — Suspended solids as determined pursuant to the procedure set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association.

TOWNSHIP — The Township of North Middleton, Cumberland County, Pennsylvania, acting by and through its Supervisors or, in appropriate cases, acting by and through its authorized representatives.

§ 164-8. Sewer rentals and charges.

Sewer rentals or charges are imposed upon and shall be collected from the owner of each improved property which shall be connected to the sewer system, for use of the sewer system, whether such use shall be direct or indirect, which sewer rentals or charges shall commence and shall be effective as of the date of connection of such improved property to the sewer system and

shall be payable as provided herein, in accordance with the applicable fee schedule as adopted from time to time by resolution of the North Middleton Township Board of Supervisors.

- A. If a classification or fee is not shown on the current applicable fee schedule, the Board of Supervisors shall have the ability to create a new classification and set the fee therefore by subsequent resolution.
- B. Nothing herein contained shall be deemed to prohibit this Township from entering into separate agreements with owners (including any school) with respect to sewer rentals or charges to be imposed in those cases where, due to seasonal fluctuations or other unusual circumstances, the sewer rentals or charges set forth herein shall be deemed by this Township to be unfair or inequitable.

§ 164-9. Time and method of payment.

- A. All bills for sewer rentals or charges shall be rendered on a bimonthly billing cycle, on the first days of January, March, May, July, September and November, respectfully, in each year or on such other dates as this Township by resolution shall specify and shall cover a bimonthly billing period consisting of the immediate past two calendar months.
- B. Owners of improved properties connected to the sewer system during any bimonthly billing cycle shall pay a prorated sewer rental or charge for service for portion of the bimonthly billing cycle the improved property was connected.
- C. Sewer rentals or charges shall be payable upon the applicable billing dates as provided for in (A) of this § 164-9 in the appropriate amount computed in accordance with this article, and said charges shall constitute the net bill. If sewer rentals or charges are not paid within 30 days after each billing date, an additional sum of 5% shall be added as a penalty. Payments received after 60 days of the billing date shall be subject to an additional penalty of 5% and shall bear interest at the rate of 1/2% per month or fraction thereof until paid. Sewer bills shall be considered due as of the date of mailing to the customer. Payment received in the Office of North Middleton Authority on or before the last day of such thirty-day calendar period shall constitute payment within such period. If the 30th calendar day shall fall on an Authority holiday or Saturday or Sunday, payment received on the next succeeding workday which is not an Authority holiday shall constitute payment within such period. Any bill not paid within said thirty-day calendar period shall be deemed delinquent.
- D. Every owner of an improved property which is connected to the sewer system shall initially provide the Authority with and shall thereafter keep the Authority advised of the property owner's correct address. Failure of any person to receive bills for sewer rentals shall not be an excuse for nonpayment nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

§ 164-10. Liens for sewer rentals; filing and collection of liens.

Sewer rentals or charges imposed by this article shall be a lien on the improved property connected to and served by the sewer system, and any such sewer rentals which are delinquent shall be filed as a lien against the improved property so connected to and served by the sewer system, which lien shall be filed in the office of the Prothonotary of Cumberland County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

§ 164-11. Prohibited wastes.

- A. No person shall discharge or cause to be discharged any storm water, surface water, spring

water, groundwater, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, drainage from roof leader connections and overflow or drainage from cesspools into any sewer.

- B. This Township reserves the right to refuse permission to connect to the sewer system, to compel discontinuance of use of the sewer system or to compel pretreatment of any wastes in order to prevent discharges deemed harmful or to have a deleterious effect upon any sewer or the sewer system.
- C. No sanitary sewage or industrial wastes shall be discharged to the sewer system:
- (1) Being harmful or deleterious to the sewer system.
 - (2) Being inhibitory to the treatment process at the sewage treatment plant constituting part of the sewer system.
 - (3) Containing any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases.
 - (4) Carrying fats, oils or greases in excess of 286.5 ppm by weight.
 - (5) Being discharged into the sewer system at temperatures in excess of 180° F.
 - (6) Being discharged into the sewer system in batches of such volume as to tax the capacity of the sewage collection system constituting part of the sewer system or adversely affecting the treatment process.
 - (7) Being of such color or other characteristic as to require special treatment to render the resulting effluent of the sewage treatment plant constituting part of the sewer system acceptable for discharge to the receiving stream.
 - (8) Being food wastes, garbage (unless treated in an approved manner), vegetable or fruit rinds or paunch manure, feathers, bones, rags or any other solid, fibrous or viscous inorganic or organic substance which the sewer system is not intended to receive.
 - (9) Being of such character, concentration, volume or combination as to tax the capacity of the sewage treatment plant constituting part of the sewer system.
 - (10) Including synthetic organic detergents or similar compounds in such volume as to interfere with the treatment process or the satisfactory operation of the sewage treatment plant constituting part of the sewer system.
 - (11) Including any liquids having a pH exceeding a minimum value of 6.0 or a maximum value of 9.0 or found to be excessively corrosive.
 - (12) Including any waters or wastes with a BOD in excess of 500 ppm by weight.
 - (13) Including any waters or wastes with a suspended solids content in excess of 500 ppm by weight or containing suspended solids of such character and/or quantity that unusual attention or expense is required to handle and/or treat such materials.
 - (14) Including any waters or wastes containing any toxic, poisonous or any other material in sufficient quantity to cause a hazard in the operation of the sewer system or which may result in an effluent discharge from the treatment plant unacceptable to any governmental body having jurisdiction.
- D. Pretreatment facilities.
- (1) Where necessary all owners shall install suitable pretreatment facilities in order to comply with §164-11B&C.
 - (2) Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of wastes shall be submitted for approval of this Township and no construction of any such facility shall be commenced until approval

thereof first shall have been obtained, in writing, from this Township and until approval thereof first shall have been obtained from any governmental body having jurisdiction.

- (3) Whenever facilities for preliminary treatment and handling of wastes shall have been provided by any owner, such facilities continuously shall be maintained, at the expense of such owner, in satisfactory operating condition; and this Township shall have access to such facilities at reasonable times for purposes of inspection and testing.

- E. Nothing contained in this section shall be construed as prohibiting any special agreement or arrangement between this Township and any person whereby industrial wastes of unusual strength or character may be admitted into the sewer system by this Township, either before or after preliminary treatment.

§ 164-12. Access.

This Township shall have the right of access at reasonable times to any part of any improved property served by the sewer system as shall be required for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by this Township through the sewer system.

§ 164-13. Adoption of additional rules and regulations.

This Township reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the sewer system, which rules and regulations shall be, shall become and shall be construed as part of this article.

§ 164-14. Violations and penalties.

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$200 nor more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

ARTICLE III Public Wastewater Pretreatment

§ 164-15. Enactment of Program.

The North Middleton Township Pretreatment Program, attached hereto and included as Appendix "A" at the end of this Chapter (hereinafter called "Pretreatment Program") is hereby enacted and adopted as the law of this Township with regard to all matters contained therein, said document containing the Pretreatment Program being incorporated herein by reference thereto as though fully set forth in the body of this article.

§ 164-16. Regulations governing admission of industrial wastes into the sewer system.

- A. No person shall discharge or cause to be discharged into the sewer system any industrial wastes except upon application to this Township and upon receipt of a written permit

therefore from this Township.

- B. Required survey data. Any person desiring to make or use a connection to the sewer system through which industrial wastes shall be discharged into the sewer system shall file with this Township an Industrial Wastes Questionnaire, to be furnished by this Township, which shall supply to this Township pertinent data, including estimated quantity of flow, characteristics and constituents, with respect to industrial wastes proposed to be discharged into the sewer system. The Township shall, based upon this data, issue an Industrial Waste Discharge Permit, which shall set forth conditions for such discharge.
- C. Control manholes.
 - (1) Any person who shall discharge industrial wastes into the sewer system, when required by this Township, shall construct and thereafter properly shall maintain, at his own expense, a suitable control manhole and other devices as may be approved by this Township to facilitate observation, measurement and sampling by this Township of industrial wastes discharged to the sewer system.
 - (2) Any such control manhole, when required by this Township, shall be constructed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by this Township prior to commencement of construction.
- D. Changes in type of wastes. Any improved property discharging industrial wastes into the sewer system and contemplating a change in the method of operation which will alter the characteristics and/or volumes of wastes at the time being discharged into the sewer system shall notify this Township, in writing, at least 10 days prior to consummation of such change.
- E. The Authority and/or this Township reserve the right to require improved properties having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the sewer system.
- F. This Township reserves the right to impose surcharges in connection with any industrial wastes discharged into the sewer system either by agreement with the owner of the improved property or by application of an industrial waste surcharge, which shall form a part of Industrial Waste Discharge Permit, per (B) above.

§ 164- 17. Violations and penalties.

In addition to all other civil penalties, liabilities and other enforcement remedies as set forth in said Pretreatment Program, any person (as defined in the Pretreatment Program) who shall violate any provision of the Pretreatment Program, and not excluding requirements and conditions of permits issued thereunder, shall for each and every such violation be guilty of a summary offense and be sentenced to pay a fine of not more than \$1,000, restitution and costs of prosecution and, in default of payment thereof, to undergo imprisonment for not more than 30 days. Each day's continuance of a violation of any such provision shall constitute a separate violation.

§ 164-18. Authority of Director and Borough of Carlisle.

The Director, as defined in the Pretreatment Program, is hereby authorized and directed to exercise and perform all actions, functions and responsibilities, including, but not limited to, commencing and prosecuting any legal actions, civil or criminal and of whatever nature, deemed by said Director to be necessary to the proper operation and enforcement of said Pretreatment Program, in the name of Township of North Middleton.

Carlisle, as defined in the Pretreatment Program, is hereby authorized to exercise and perform all actions, functions and responsibilities, including, but not limited to, commencing and prosecuting any legal actions, civil or criminal and of whatever nature, deemed by Carlisle to be necessary for

the proper operation and enforcement of said Pretreatment Program, in the name of the Township of North Middleton, only in those circumstances where such action pertained to users, as defined in the Pretreatment Program, directly connected to and discharging wastewater through the sewer system owned solely by Carlisle. This section shall not apply where a user is connected to a wastewater system of the Authority and Township as defined in the Pretreatment Program

ARTICLE IV Public Water Connections

§ 164-19. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this article shall be as follows:

AUTHORITY — The North Middleton Authority, a Pennsylvania municipality authority.

BUILDING MAIN — The extension from the water system of any structure to the lateral of a main.

COMMONWEALTH — The Commonwealth of Pennsylvania.

IMPROVED PROPERTY — Any property within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals.

INDUSTRIAL ESTABLISHMENT — Any improved property located within this Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article.

LATERAL — That part of the water system extending from a main to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of or place in a main which is provided for connection of a any building main.

MAIN — Any pipe or conduit constituting a part of the water system used or usable for water distribution purposes.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON — Any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity.

TOWNSHIP — The Township of North Middleton, Cumberland County, Pennsylvania, a municipal subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

WATER SYSTEM — All facilities, as of any particular time, for production, transmission, storage and distribution of water in this Township and owned by the authority and to be leased to this Township for maintenance, operation and use.

WORKING HOURS — Monday through Friday, 7:00 a.m. – 3:30 p.m. except for Authority holidays or as determined by Authority Board.

§ 164-20. Use of public water system required.

A. The owner of any improved property abutting upon the water system, except any improved

property which shall constitute an industrial establishment or a farm which has its own supply of water for uses other than human consumption, shall connect such improved property with and shall use such water system, in such manner as this Township may require, within 90 days after notice to such owner from this Township to make such connection; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

- B. The notice by this Township to make a connection to a main, referred to in (A), shall consist of a copy of this article, including any amendments and/or supplements at the time in effect or a summary of each section hereof and a written or printed document requiring the connection in accordance with the provisions of this article and specifying that such connection shall be made within 90 days after the date such notice is given or served. Such notice may be given or served at any time after a main is in place which can deliver water to the particular improved property. Such notice shall be given or served upon the owner in accordance with law.

§ 164-21. Building mains and connections.

- A. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any main or any part of the water system without first obtaining a permit, in writing, from this Township.
- B. Application for a permit required under (A) shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.
- C. No person shall make or shall cause to be made a connection of any improved property with a main until such person shall have fulfilled each of the following conditions:
- (1) Such person shall have notified the Township/Authority of the desire and intention to connect such improved property to a main;
 - (2) Such person shall have applied for and shall have obtained a permit as required by (A);
 - (3) Such person shall have given the Township/Authority at least 24 hours' notice of the time when such connection will be made so that this Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing. Both notice and connection shall occur during working hours.
 - (4) If applicable, such person shall have furnished satisfactory evidence to the Township/Authority that any tapping (or connection) fee which may be charged and imposed by the Authority against the owner of each improved property who connects such improved property to a main has been paid.
- D. Except as otherwise provided in this (D), each improved property shall be connected separately and independently with a main through a building main. Grouping of more than one improved property on one building main shall not be permitted, except under special circumstances and for good cause shown, but then only after special permission of this Township, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Township.
- E. All costs and expenses of construction of a building main and all costs and expenses of connection of a building main to a main shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and shall hold harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building main or of connection of a building main to a main.
- F. A building main shall be connected to a main at the place designated by this Township or by the Authority and where, if applicable, the lateral is provided. A smooth, neat joint shall be made and the connection of a building main to the lateral shall be made secure and

watertight.

- G. If the owner of any improved property located within this Township and abutting upon the water system, subject, however, to the exception provided for in § 164-20A, after 90 days' notice from this Township, in accordance with § 164-20A, shall fail to connect such improved property, as required, this Township may enter upon such improved property and may construct such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

§ 164-22. Rules and regulations governing building mains and connections to mains.

- A. No building main shall be covered until it has been inspected and approved by this Township. If any part of a building main is covered before so being inspected and approved, it shall be uncovered for inspection, at the cost and expense of the owner of the improved property to be connected to a main.
- B. Every building main of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- C. Every excavation for a building main shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk or other public property disturbed in the case of installation of a building main shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Township.
- D. If any person shall fail or shall refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building main, within 60 days of receipt of such notice, this Township or the Authority may refuse to permit such person to be served by the water system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township and of the Authority. In cases involving an emergency or water leak or leakage the unsatisfactory condition shall be remedied within five calendar days. The Township/Authority reserves the right to enter upon such property and modify the building main to remedy the unsatisfactory condition. In such cases the Township/Authority shall forthwith upon completion of the work, send an itemized bill of the cost of work performed to the owner of the improved property which bill shall be payable forthwith. All bills for emergency work done to remedy the unsatisfactory condition which remain unpaid for a period in excess of forth five (45) days from receipt shall constitute a lien on the subject property which may be recorded and indexed against the property by the Township or Authority.
- E. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a main and with the water system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this article.

§ 164-23. Violations and penalties.

- A. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$200 nor more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

- B. Fines and costs imposed under the provisions of this article shall be enforceable and recoverable in the manner and at the time provided by applicable law. Upon judgment upon any person by summary conviction or by proceedings by summons on default of the payment of the fine and penalty imposed and the costs, such person may be sentenced and committed to the jail of Cumberland County for the period not exceeding 30 days.

§ 164-24. Appeals; hardship.

In the event any person shall deem the requirement to connect as provided in this article a hardship, such person may appeal to the Board of Supervisors for relief from such connection requirement which appeal shall be heard in accordance with provisions of the Pennsylvania Local Agency Law. Editor's Note: See 53 P.S. § 11301 et seq.

§ 164-25. Declaration of purpose.

It is declared that enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

ARTICLE V Public Water Rates and Charges

§ 164-26. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this article shall be as follows:

AUTHORITY — North Middleton Authority, a Pennsylvania municipality authority.

DWELLING UNIT — Any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by persons living alone.

IMPROVED PROPERTY — Any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage and/or industrial wastes shall be or may be discharged.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON — Any individual, partnership, company, association, society, corporation or other group or entity.

TOWNSHIP — The Township of North Middleton, Cumberland County, Pennsylvania, a Pennsylvania municipal corporation, acting by and through its Board of Supervisors or, in appropriate cases, its authorized representatives.

WATER SYSTEM — All facilities, as of any particular time, for supply and distribution of water and owned by the Authority and leased to the Township under the lease.

§ 164-27. Payment procedure.

The time and method of payment of water rates, rents and charges shall be as follows:

- A. All bills for water rentals and charges shall be rendered on a bimonthly basis on the first days of January, March, May, July, September and November, respectfully, in each year or on such other dates as this Township by resolution shall specify and shall cover a bimonthly

billing period consisting of the immediate past two calendar months.

- B. Owners of improved properties connected to the water system during any bimonthly billing cycle shall pay a prorated water rental or charge for service for portion of the bimonthly billing cycle that the property was connected.
- C. Water rentals and charges shall be payable upon the applicable billing dates as provided for in (A) of this § 164-27 in the appropriate amount computed in accordance with this article, and said charges shall constitute the net bill. If water rentals or charges are not paid within 30 days after each billing date, an additional sum of 5% shall be added as a penalty. Payments received after 60 days of the billing date shall be subject to an additional penalty of 5% and shall bear interest at the rate of 1/2% per month or fraction thereof until paid. Water bills shall be considered due as of the date of mailing to the customer. Payment received in the Office of North Middleton Authority on or before the last day of such thirty-day calendar period shall constitute payment within such period. If the 30th day shall fall on an Authority holiday or Saturday or Sunday, payment received on the next succeeding workday which is not an Authority holiday shall constitute payment within such period. Any bill not paid within said thirty-day period, shall be deemed delinquent.
- D. Every owner of an improved property which is connected to the water system shall initially provide the Authority with and thereafter shall keep the Authority advised of the property owner's correct address. Failure of any person to receive bills for water charges shall not be an excuse for nonpayment nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

§ 164-28. Meter installation required.

Beginning on April 1, 1988, each improved property which is connected to the water system is required to have a water meter installed for the purpose of the measurement of water usage on the improved property.

§ 164-29. Water rates, rent and charges.

Water rates, rent and charges are imposed upon and shall be collected from all water customers of each improved property, whether such use or benefit resulting therefrom or such connection shall be direct or indirect. Such rates, rents and charges, shall be at a rate based upon a gallon of water per bimonthly billing cycle measured through the meter in accordance with the applicable fee schedule as adopted from time to time by resolution of the North Middleton Township Board of Supervisors.

- A. If a classification or fee is not shown on the current applicable fee schedule, the Board of Supervisors shall have the ability to create a new classification and set the fee therefore by subsequent resolution.

§ 164-30. Additional rules and regulations; violations and penalties.

- A. Nothing herein contained shall be deemed to prohibit this Township from entering into separate agreements with owners with respect to water rates, rents and charges and sewer rentals and charges to be imposed in those cases where, due to seasonal fluctuations or other unusual circumstances, said rates, rentals and charges set forth herein shall be deemed by this Township to be unfair or inequitable.
- B. Discontinuation of service. At the discretion of the Township, the water supply to any customer may be cut off for nonpayment of sewer rentals, as provided in the Pennsylvania Act of April 14, 1949, P.L. 482, as amended; Editor's Note: See 53 P.S. § 2261. provided, however,

that the sewer bill must be in arrears in excess of 30 days and the customer must have received notice in writing from the Township of the intent to shut off the water supply at least 10 days before the action is taken, pursuant to said Act

- C. Additional rules and regulations. This Township reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem proper for operation of the water and sewer systems which shall be construed as part of this article.
- D. Penalties. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$200 nor more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

ARTICLE VI Water Meter Regulations

§ 164-31. Definitions.

The following definitions apply to terms in this article:

AGREEMENT — Management Agreement executed by Township and Authority dated June 1, 2006, providing for operation and management of the system by Authority.

AUTHORITY — North Middleton Authority, a Pennsylvania Municipal Authority.

BOARD — Governing body of the Authority.

CONSULTING ENGINEER — Person appointed by Authority to pass upon engineering questions, being a person who is a professional engineer duly registered under the laws of the commonwealth.

IMPROVED PROPERTY — Any property located within Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals.

INDUSTRIAL ESTABLISHMENT — Any improved property located in Township used wholly or in part for manufacturing, processing, cleaning, laundering or assembly of any product, commodity or article or any other improved property located in Township obtaining or requiring water service from Authority.

LEASE — Agreement of Lease executed by Authority and Township dated October 1, 1967, providing for lease of sewer and water system to Township.

METER — Water meter and remote reading device of type and specifications determined by Authority.

OWNER — Any person vested with ownership legal or equitable sole or partial of any improved property.

SUPERVISORS — Board of the Township.

SYSTEM — Water system providing water to the service area, as set forth in Agreement of Lease and Trust Indenture dated October 1, 1967, generally consisting of Schlusser Village-Basin Hill Heights and areas to the north.

TOWNSHIP — The Township of North Middleton, Cumberland County, Pennsylvania, acting by

and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

WORKING HOURS — Monday through Friday, 7:00 a.m. to 3:30 p.m. except for Authority holidays or as determined by Authority Board.

§ 164-32. Installation of meters and back flow preventors required.

- A. Every improved property obtaining water service from system shall have installed a meter to record water usage and a remote reading device to enable usage to be determined without entry into improved property, together with a back flow preventor in order to prevent contamination of the public water supply
- B. Installation of meters with remote reading devices and back flow preventor in all improved property presently connected to system or required to be connected or voluntarily connected to system is hereby authorized, directed and required.
- C. Each and every connection made to system shall include a meter remote reading device and back flow preventor furnished by the Authority and paid for and installed by owner of improved property at owner's expense in accordance with the article and regulation promulgated pursuant hereto by Township and Authority, in accordance with agreement and lease.

§ 164-33. Location of meter.

- A. Owner is required to permit installation of meter, remote readout and back flow preventor on improved property at a location within or about the improved property, to be determined by Authority which location provides for unobstructed access and protects meter and other equipment from freezing or other harm. Property owners are responsible to keep the meter from freezing or any other harm.
- B. In cases where it is not practical to place the meter within a building, the Authority may require the owner to construct adequate enclosure inside the property line for the meter at a location to be determined by Authority in accordance with this article and regulation promulgated pursuant hereto by Township and Authority, in accordance with agreement and lease..

§ 164-34. Access to meter.

- A. Owner shall permit access to meter to Township and to Authority or persons operating under written authorization on reasonable days and at reasonable times upon request. Owner shall not permit any obstruction of meter or of convenient access thereto by person or animals or manmade or natural obstacles or devices. Owner is responsible for security and safety of meter, remote readout and backflow preventor on owner's premises.
- B. The failure to permit installation or after installation to permit reasonable access to meter, remote reading device or backflow preventor after thirty (30) days written notice from Township/Authority to the property owner shall be sufficient cause for discontinuance of service. Should customer fail to make and maintain reasonable and unobstructed access for meter readings during normal working hours within said thirty (30) day period, water service will be discontinued until reasonable access can be provided and maintained on a continuing basis.

§ 164-35. Seals.

No seal placed by the Authority for the protection of any meter, valve, fitting or other water connection shall be tampered with or defaced. It shall not be broken except upon authorization from the Authority or in the presence of an Authority representative. Where the seal is broken, the Township reserves the right to remove the meter for test at the expense of the customer, even though said meter registers accurately, in addition to other fines and penalties imposed herewith.

§ 164-36. Reading and registration of meters.

Reading of meters shall be taken monthly, bimonthly or quarterly at the opinion of the Authority, and the quantity recorded by the meter shall be taken to be the amount of water passing through the meter.

§ 164-37. Minimum charge.

Every meter is installed subject to a fixed minimum monthly, bimonthly or quarterly charge in accordance with the rates thereof, for which certain quantities of water will be allowed without additional charge; and where more than one premises is furnished service through one meter, the same fixed minimum monthly or quarterly charges shall apply for each and every premises. Such minimum shall be non-abatable for a nonuser of water and non-cumulative against subsequent consumption. In the case of fractional bills covering less than a month of a quarter, monthly or minimum charges and allowances shall be prorated.

§ 164-38. Size of meter.

A. The Authority shall have the right in all cases to stipulate the size and type of the meter to be installed on each service line.

§ 164-39. Violations and penalties.

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$200 nor more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

§ 164-40. Additional rules and regulations authorized.

Authority shall have the power and authority to promulgate rules and regulations pursuant to this article, which shall be binding and effective upon owners pursuant to lease and agreement. The purchase and installation of meters is hereby authorized, ratified and confirmed.

ARTICLE VII On-Lot Sewage System Permits

§ 164-41. Definitions.

The following words and terms shall have the following meanings unless the Act, regulations or the context indicate otherwise:

ACT — The Sewage Facilities Act, Act of January 24, 1966, P.L. 1535 (No. 537), as amended, 35 P.S. § 750.1 et seq.

BOARD — The Board of Supervisors.

COMMUNITY SEWAGE SYSTEM — Any system publicly or privately owned for the collection of sewage or industrial wastes of a liquid nature from two or more lots and the treatment and/or disposal of sewage or industrial waste on one or more of the lots or at any other site.

DEPARTMENT — The Department of Environmental Protection.

HEARING — Hearing held by Board for a determination under this Article II upon at least 15 days' written notice of charge or violation and right to appear; in accordance with Local Agency Law, Act of December 2, 1968, P.L. 1133 (No. 353), 53 P.S. § 11301.

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 this commonwealth or by means of conveyance to another site for final disposal.

INSTALLATION — Any act of placing a system, including repair, replacement or enlargement of any system, including system pre-existing the effective date of this Article II.

OWNER — Person owning property on which system is to be installed or containing building to be served by system; or person having written authority to act for owner.

REGULATIONS — Regulations as promulgated by the Department.

SEO — The Sewage Enforcement Officer.

SECRETARY — The Secretary of Township.

SUBDIVISION — The division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. Enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided there from.

SYSTEM — Individual and/or community sewage system.

TEST — Soil suitability test and/or soil seepage test.

TOWNSHIP — The Township of North Middleton.

WORKING HOURS — Monday through Friday, 8:30 a.m. to 4:30 p.m.; and during regular meetings of the Board; or as determined by motion of Board.

§ 164-42. Title.

This Article VII shall be known as "Sewage Facilities Ordinance."

§ 164-43. Legal authority for regulations.

This Article II is adopted in accordance with the Act; the Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. § 691.1 et seq.; and Regulations of the Department; and applies to all persons installing systems.

§ 164-44. Installation of system requires permit.

The installation of any treatment tank, subsurface absorption area or any holding tank constitutes the installation of a system and requires a permit prior to beginning installation or occupancy of any building for which system will be installed. A permit is required for a rural residence regardless of lot size.

§ 164-45. Compliance with regulations and laws.

No person shall install a system or construct any building in or for which a system is to be installed without first obtaining a permit and a determination that site, plans and specifications are in compliance with this Article VII, the Act and regulations.

§ 164-46. System must comply with official plan.

No permit shall be issued for systems unless consistent with the official plan of Township in accordance with Act.

§ 164-47. Issuance of permit.

Permit shall be issued after application and determination the proposed system meets requirements herein.

§ 164-48. Permits filed with Department.

In the event a system other than defined herein is required, application for permit shall be filed with Department.

§ 164-49. Sewage Enforcement Officer.

The SEO shall:

- A. Be responsible for administration of this Article VII.
- B. Not install any system in any area under his jurisdiction.
- C. Not accept any fee for services or work performed other than compensation set by Township resolution.
- D. Not conduct a test or issue any permit for system for any lot in which there is a financial interest of SEO or of any person related by blood or marriage to SEO or of any employer or partner unless approved by Township.
- E. Observe, conduct personally or confirm all tests in a manner approved by Department.
- F. Submit required forms to Department.
- G. Maintain records of administration of this Article VII and make reports as required by Board by motion.
- H. Be available for performance of duties during working hours or as required by Board.

§ 164-50. Administration.

The Township shall employ an SEO certified in accordance with state law to administer this Article II. The Township shall submit annually by January 31 to the Department the name and address of its SEO and within 30 days shall submit any change in the name or address.

§ 164-51. Application for permit.

Application for permit for installation of systems shall be obtained from and made to Secretary at Township Building during working hours.

§ 164-52. Application form.

Application shall be on form provided by Township and accompanied by fees.

§ 164-53. Filing of application.

Applicant shall file with Secretary application with Part 1 completed, at which time Secretary shall date application as "date received." If application is incomplete or Secretary is unable to verify information, applicant shall be notified by Secretary in writing within seven days, with deadline for acting by Township extended 15 days beyond date of receipt of adequate supplementary or amendatory data.

§ 164-54. Processing of application.

SEO shall obtain application from Secretary and shall process the application within 15 days, weather conditions and equipment availability permitting. SEO shall conduct soil tests and analysis and percolation tests and analysis.

§ 164-55. Independent tests.

In the event applicant has independent engineering determination of soil tests and percolation tests, SEO shall process results received from applicant within 10 days.

§ 164-56. Judgment of application.

Upon completion of Part II, SEO shall approve or disapprove within seven days.

§ 164-57. Expiration of permit.

If construction or installation of system or building has not commenced within three years after issuance, permit shall expire.

§ 164-58. Authorized test procedures.

Three alternate procedures for conduct of soil and percolation tests and analysis are authorized:

- A. Testing and analysis by Township.
- B. Soil test and percolation test by applicant through approved soil scientist or engineer and analysis by Township.
- C. Site preparation for soil test and percolation tests by applicant and testing and analysis by Township.

§ 164-59. Notification of completion.

Applicant shall notify SEO in writing (which may be entered on the top portion of application form at Township Building) of completion of installation.

§ 164-60. Inspection.

SEO shall inspect site within 72 hours of receipt of written notice of completion, excepting Sundays and holidays from said calculation.

§ 164-61. Alternate system.

In event soil analysis indicates limiting zone(s), the limiting zone(s) must be confirmed by soil scientist. If confirmed, type of alternate system shall be determined by SEO upon consultation with soil scientist.

§ 164-62. Board to cause inspections.

Board shall have the power to make or cause to be made through its SEO, such inspections and tests as may be necessary to carry out the provisions of this Article II, with the right to enter upon lands for said purposes.

§ 164-63. Covering of work only after inspection.

No part of any installation shall be covered until it is inspected within 72 hours of written notice of completion (excepting Sundays and holidays) and given full approval by SEO. Applicant may cover installation if not inspected within 72 hours. If improperly covered, Board through SEO may require applicant to uncover for inspection.

§ 164-64. Fees.

Fees shall be set in accordance with the applicable fee schedule as adopted from time to time by resolution of the North Middleton Township Board of Supervisors.

§ 164-65. Revocation.

A. Board shall revoke permit where:

- (1) Information material to issuance of permit is false.
- (2) Tests were not properly conducted.
- (3) Any change occurs in physical conditions of land which materially affect operation of system.
- (4) Applicant violates any provisions of this Article VII, Act or regulations.
- (5) Issuance of permit fails to conform to Act or regulations.

B. Revocation shall occur only after written notice and an opportunity within 10 days to request a hearing. If no hearing is requested, revocation shall be effective. Hearing shall be held upon request with notice to Department.

§ 164-66. Other remedies.

In addition, Board may take appropriate action at law or equity to enforce provisions of this Article VII, the Act and regulations.

§ 164-67. Violations and penalties.

Notwithstanding any action taken by Board under §164-65 and §164-66 above, any person who shall violate any of the provisions of this Article VII, Act or regulations or who resists or interferes

with any officer, agent or employee of the municipality in the performance of his duties shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$200 nor more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

ARTICLE VIII On-Lot Small Flow Sewage Treatment Facilities

§ 164-68. Title.

"This Ordinance shall be known as the "North Middleton Township Small Flow Sewage Treatment Facility Ordinance".

§ 164-69. Purposes and background.

- A: North Middleton Township is in a state of transition from a rural-suburban community to a community of varying uses and functions, thereby increasing municipal governmental concerns and responsibilities.
- B. As an indication of such change, is the creation of a public water distribution system and a public sewage collection and disposal system, both of which systems are designed to enhance the quality of life and to protect health and safety; however, it is fiscally and practically impossible to provide such services to all areas of the Township.
- C. It is further recognized that stringent rules have been enacted by the Commonwealth of Pennsylvania to control on-site sewage disposal facilities in the interest of protecting the waters of this commonwealth and the health of citizens, which rules sometimes virtually prohibit the continued use of traditional sewage disposal facilities, thereby depreciating values of property.
- D. The Commonwealth of Pennsylvania permits, but does not require, the use of small flow sewage treatment facilities under certain circumstances, but places certain responsibility for oversight of such treatment facilities on the local municipality. Accordingly, the Board of Supervisors of North Middleton Township has traditionally refused to allow the use of small flow sewage treatment facilities.

§ 164-70. Definitions.

The following words and phrases shall have the meanings set forth herein unless the context of the use thereof shall dictate another interpretation:

AGREEMENT — A written agreement between Township and owner as authorized by this Article.

BOARD — The Board of Supervisors of North Middleton Township.

DEP — The Pennsylvania Department of Environmental Protection.

MANUAL — The Commonwealth of Pennsylvania Small Flow Treatment Facilities Manual, current edition as of the date of application, together with any recommendation or guideline manuals referenced therein or which are a part thereof.

OWNER — The person, persons or entity owning the residential premises. Said term excludes the lessee, tenant or other nonowning occupant of a residential unit.

RESIDENTIAL PREMISES — A parcel of real estate improved with a building used for human housing. Said term excludes any commercial or industrial use or any other nonresidential use of real estate including a combination of residential and nonresidential uses.

RESIDENTIAL DWELLING UNIT — A portion of a residential premises occupied by a single family or persons living as a family.

SEO — The Sewage Enforcement Officer appointed by the Board.

SEWAGE — Domestic wastewater originating from a residential use and does not include industrial waste, hazardous or toxic materials or any other substance not generated from normal residential use.

SMALL FLOW SEWAGE TREATMENT FACILITY — An individual sewerage system designed to adequately treat domestic sewage flows not greater than 600 gallons per day (maximum 5 bedroom dwelling) for final disposal using a stream discharge, discharge to the surface of the ground or discharge to a constructed wetland as further defined in § 164-52 of this article.

TOWNSHIP — North Middleton Township, Cumberland County, Pennsylvania.

TOWNSHIP ENGINEER — A professional engineer appointed by the Board to review applications and plans for small flow sewage treatment facilities.

§ 164-71. Small flow sewage treatment facilities permitted.

A small flow sewage treatment facility may be installed, constructed and used only to serve a residential dwelling unit on a residential premises where a traditional on-site sewage disposal system cannot be installed or maintained as evidenced by the denial of the SEO of an on-lot sewage system permit under applicable regulations of DEP and Township and where no municipal sewerage system is readily available to serve the premises, whether by direct connection or reasonable extension. Small flow sewage treatment facilities are not permitted for any commercial, industrial or other nonresidential premises or use. Small flow sewage treatment facilities may only be installed, constructed or used in accordance with all the provisions of this article. All costs and expenses of designing, constructing, installing, repairing and maintaining the small flow sewage treatment facility shall be borne by and paid for by the owner.

§ 164-72. Supervision of installing and constructing small flow sewage treatment facilities.

All small flow sewage treatment facilities shall be installed and constructed under the supervision of the professional engineer responsible for the design of the system. The engineer will provide the Township with a letter certifying to the same at the completion of the project. This will be provided to the Township prior to the occupancy of the building and the use of the system, except in repair situations

§ 164-73. Small flow sewage treatment facility defined and limited.

- A. Definition. "Small flow sewage treatment facility" (hereinafter referred to as "facility" in this section) is an on-site sewage treatment facility as permitted by DEP under guidelines and regulations promulgated by DEP from time to time, but as limited or restricted by this article. In the event of conflict between the provision of this article and DEP regulations, it is the Board's intention to require the more restrictive provisions.
- B. Minimum Land Area. The minimum lot size for any new system installed on a lot created after April 1, 2008 shall be three (3) acres. Smaller lot sizes for non-conforming lots created prior to April 1, 2008, or existing systems and repair situations, shall be considered provided the SEO has determined that there is no area on the existing lot suitable for installation of an on-lot disposal system and it can be demonstrated that all other requirements of the Article can be met. This minimum land area requirement shall be imposed by the owner as an express restriction or condition of the residential premises as a covenant running with the land by instrument recorded in the office of the Cumberland County Recorder of Deeds, to be enforceable by Township, said recording being an express condition precedent to the construction of such facility. Such restriction or condition shall be subject to the prior approval and review by the Township's Solicitor.
- C. Isolation Distances. All requirements for isolation distance shall be as required by the Manual.
- D. Specific limitations on discharge.
- (1) Wastewater to be treated shall be domestic sewage emanating from a residential premises.
 - (2) Wastewater sewage flows shall not be greater than Six Hundred (600) gallons per day as estimated by the DEP. See Pa. Code, Title 25, Section 73.17, as amended.
 - (3) No facility shall be designed for a commercial, industrial or community wastewater sewage flow even if same flow is estimated to be less than or equal to Six Hundred (600) gallons per day. The Board of Supervisors may consider a request for the use of a SFSTF in a repair situation if the SEO has determined there is no area on the existing suitable for the installation of an on-lot sewage disposal system. This would be if there is no feasible way to connect to public sewer and in lieu of the use of a holding tank to abandon the discharge of untreated wastewater to the surface of the ground.
- E. Design requirements. Each facility shall be designed, installed and operated in accordance with the terms, provisions and requirements of the Manual. The applicant is required to obtain sewage planning approval from North Middleton Township and the DEP and to obtain the necessary permits from DEP, as applicable, to comply with the Clean Stream Law, and the Sewage Facilities Act.
- F. Easements. Shall be determined per the Manual.

§ 164-74. Maintenance of small flow sewage treatment facilities.

The owner shall be responsible to the Township for the maintenance of each small flow sewage treatment facility in accordance with the Manual.

§ 164-75. Indemnification by owner.

Each owner of a residential premises containing a small flow sewage treatment facility installed, constructed or used pursuant to this article shall, by reason of such installation, construction or use, be deemed to have agreed to indemnify the Township and hold it harmless of and from any and all liability, damages, costs, expenses, attorneys fees and any other obligation imposed upon it by reason of such owner's failure to perform the obligations imposed hereunder or by otherwise violating this article, and further, shall be deemed to agree to reimburse Township for all costs,

expenses and expenditures which it incurs by reason of such owner's failure to perform the obligations imposed hereunder or in enforcing the provisions of this article against said owner.

§ 164-76. Maintenance security deposit.

- A. As a condition of permitting the installation, construction and/or use of a small flow sewage treatment facility, the owner shall deposit with Township the sum of Two Thousand Five Hundred (\$2,500.00) dollars in cash, said amount as may be set from time to time by resolution of the Board of Supervisors, for each residential unit served by a small flow sewage treatment facility. Set amount shall serve as partial security for the Township for reimbursement for any costs or expenses incurred in enforcing the provision of this Article against said owner. Said deposit shall be retained by Township in an account to be known as "Small Flow Sewage Treatment Facility Maintenance Security Account," which shall be interest-bearing, which interest shall be retained by Township and may be disbursed annually for general Township purposes including the sum of Twenty (\$20.00) dollars per year per small flow sewage treatment facility for Township's administrative cost in maintaining said account said amount that may be set from time to time by resolution of the Board of Supervisors.
- B. The Township shall have the right to use and consume said deposit to reimburse its costs and expenses in the enforcement of this article to include, but not necessarily be limited to the following: removing and disposing of sewage from the small flow sewage treatment facility; repairing the said facility, inspecting the facility; testing sewage; attorney fees, court costs and witness fees in any litigation required to enforce this article.
- C. At any time such deposit falls below the original amount thereof, the owner shall promptly deposit such additional funds to restore the full amount. Such further deposit shall be made within ten 10 calendar days after the date notice requiring such further deposit is mailed to owner.
- D. All deposits made hereunder shall be deemed to be in rem and appurtenant to the residential premises containing such small flow sewage treatment facility. As such, the deposit shall be deemed to relate to the owner of said residential premises at the time any question arises thereto. Said deposit shall be deemed to be transferred from owner to owner at each time the ownership of the residential premises is transferred.
- E. Township shall return and refund to the then-current owner of the maintenance security deposit (or the remaining balance thereof), without interest, upon the occurrence of any of the following events: (i) the residential unit is connected to a municipal sewage system; or (ii) the residential unit is discontinued as a dwelling place and the small flow sewage treatment facility is discontinued and removed.

§ 164-77. Violations constitute a nuisance.

The owner's failure to comply with the maintenance provisions of this article (§ 164 et seq) shall be deemed to be a public nuisance because of the threat to public health and damage to the waters of this commonwealth and may be abated by injunctive action. By installing, constructing or using a small flow sewage treatment facility pursuant to this article, the owner shall be deemed to agree with the foregoing sentence and further acknowledges that the Court of Common Pleas of Cumberland County, Pennsylvania, sitting in equity shall be jurisdiction of the residential premises and each owner and that no adequate remedy at law exists.

§ 164-78. Use of small flow sewage treatment facility is a privilege; revocation of privilege.

- A. Township's permission for the installation, construction and/or use of a small flow sewage

treatment facility is hereby declared to be a privilege (as distinguished from a right) of the owner of residential premises. Therefore, the owner's abuse of said privilege by failure to comply with the provisions of this article may be revoked, in which event, the residential unit served by any such small flow sewage treatment facility shall be vacated and no further sewage shall be generated on or discharged from said residential unit, without liability to Township.

- B. Township may revoke such privilege upon not less than five (5) days' written notice mailed to the owner of the residential premises and posted conspicuously on each residential unit.

§ 164-79. Access to residential premises.

Each owner constructing, installing or using a small flow sewage treatment facility shall be deemed to have authorized duly authorized officials of Township to enter upon the residential premises to inspect the facilities authorized by this article, to enforce the provision of this article, abate any nuisances arising from delinquent maintenance of such facilities and enforce the revocation of the privilege of continued use of such facilities. Any such entry shall not constitute a trespass.

§ 164-80. Application and permit required.

After the property owner has obtained sewage planning approval and the necessary permits from DEP for the small flow sewage treatment facility, they will apply for a small flow treatment facility permit from North Middleton Township. This permit will be obtained prior to issuance of a building/zoning permit for the construction of a new dwelling. This would be required for a system whether it is for a new construction or in a repair situation.

A. Application.

- (1) An owner of a residential premises seeking to use a small flow sewage treatment facility shall submit an application therefore on a form to be provided by Township, which shall include the following information:
 - (a) Name(s) and address(s) of each owner.
 - (b) Identification of residential premises to include the Cumberland County Real Estate Tax Assessor's parcel number; street address; copy of current deed or other document whereby the owner(s) claim(s) title to said premises.
 - (c) A true copy of the denial by the SEO of the owner's application for a traditional on-lot system permit for the same residential premises.
 - (d) Description of the residential unit to include floor plan, room dimensions and nature of each room.
 - (e) A plot or map to scale of the residential premises accurately showing the location and description of all improvements, significant differences in surface grade or level and the location of the proposed small flow sewage treatment facility.
 - (f) A detailed drawing and narrative specifications of the proposed small flow sewage treatment facility and sufficient for adequate review by DEP.
 - (g) True, complete and correct copies of all submissions to and communications from DEP concerning owner's application to DEP for said small flow sewage treatment facility, said obligation to supply materials shall be continuous until the permit required herein expires or is revoked.
- (2) The application shall be accompanied by:

- (a) A filing and processing fee of Five Hundred (\$500.00) dollars as may be set from time to time by resolution of the Board of Supervisors.
- (b) The maintenance security deposit required under § 164-76 hereof.
- (c) An acknowledgment/agreement signed by each owner in the following form:

ACKNOWLEDGMENT AND AGREEMENT BY OWNER(S)

The undersigned, being all the Owners of the following Residential Premises:
 in North Middleton Township, Cumberland County, Pennsylvania, and in consideration of being granted permission by North Middleton Township to install, construct, and the privilege to use a Small Flow Sewage Treatment Facility to serve the Residential Unit on said Premises known as:

do hereby acknowledge receipt of a copy of North Middleton Township Small Flow Sewage Treatment Ordinance ("Ordinance") and, intending to be legally bound hereby, agree to comply with each and all provisions of said Ordinance and Manual and to otherwise be legally bound thereby. We further acknowledge, understand and agree that said Ordinance, Manual and this Acknowledgment/Agreement shall be binding upon all successive and future owners of said Residential Premises.

We further understand that when public sewer is constructed we will be required to abandon the system, pay tapping fees and connect to the public sewer system.

IN WITNESS WHEREOF, I/we, jointly and severally, have hereunto set my/our hand(s) and seal(s) this _____ day of _____, 20__.

_____ (SEAL)

Owner (Individual)

_____ (SEAL)

Owner (Individual)

_____ (SEAL)

Owner (Individual)

Or if by a corporation:

 Name of Corporate Owner

ATTEST

By _____
 President of Corporation

 Corporate Secretary
 (Corporate Seal)

Or if by a Partnership:

 Name of Partnership Owner

By _____

Partner

By _____

Partner

- (d) This acknowledgement shall be recorded and indexed against the subject property at the time of approval in the Office of the Recorder of Deeds for the County of Cumberland, the cost of which shall be paid by Applicant and proof of which shall be provided to the Township.
- (e) In addition, the owner, if required by Township, shall enter into further agreements and forms of security, including but not necessarily being limited to judgment notes, all as approved by the Township Solicitor.

B. Permit.

- (1) It shall be unlawful for any owner, person, corporation or other entity to construct, install or maintain a small flow sewage treatment facility on any land in this Township without first obtaining a permit under this Article.
- (2) A permit shall be issued by the Township's Secretary upon the applicant's fulfillment of the following matters in the order indicated:
 - (a) Submission of a property completed application, acknowledgment and agreement and the payment and/or deposit of all sums required under (A) of this § 164-80.
 - (b) Receipt of true, complete and correct copies of all DEP-required and duly issued permits, licenses or other evidence of permission to construct a small flow sewage treatment facility on the residential premises under DEP regulations.
 - (c) Receipt of a certificate from SEO indicating that all preconstruction/preinstallation requirements of this article have been fulfilled.
- (3) Such permit shall be issued within ten (10) business days after receipt of the SEO certificate.

§ 164-81. Civil enforcement and inspection.

The SEO, with the consent of the Board and the Township Solicitor, is hereby authorized to take all appropriate action of law or in equity to abate any violation of this article where the continued violation is believed to be a threat to the health of the inhabitants of this Township or deleterious to the quality of the waters of this commonwealth.

All small flow sewage treatment facility system inspections shall be conducted as required, and/or recommended by the Manual, but in any case, shall be not less than once per year with a certified copy of the results provided to the Township.

§ 164-82. Violations of Article and penalties.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Article shall, upon being found liable therefore in a civil enforcement proceeding commenced by North Middleton Township, pay a fine of not less than Two Hundred (\$200.00) dollars nor more than One Thousand (\$1,000.00) dollars, plus all court costs, including the reasonable attorney fees incurred by North Middleton Township as a result thereof.
- B. Each day's violation of this article shall constitute a separate offense.

ARTICLE IX On-Lot Retaining Tanks

§ 164-83. Title.

This article shall be known and may be cited as the "North Middleton Township Retaining Tank Ordinance."

§ 164-84. Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates or requires a different or contrary meaning:

BOARD — The Board of Supervisors of North Middleton Township.

COLLECTOR — A person or entity engaged in the removal, transportation and disposal of sewage from retaining tanks.

DEP — The Department of Environmental Protection.

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 or animals and from which structure sewerage shall or may be discharged.

OWNER — The person, persons or entity owning a residential or commercial property. Said term excludes the lessee, tenant or other nonowning occupant of a residential or commercial property.

RETAINING TANK — A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate the ultimate disposal of sewage at another site. Said term shall be synonymous with the term "holding tank."

SEO — The Sewage Enforcement Officer appointed by the Board.

SEWAGE — Domestic wastewater originating from a residential or commercial use and does not include industrial waste, hazardous or toxic materials or any other substance not generated from normal residential or commercial use.

TOWNSHIP — North Middleton Township, Cumberland County, Pennsylvania.

§ 164-85. Retaining tanks permitted.

Retaining tanks may be installed, constructed and used only to serve a residential or commercial premises where an existing on-site sewage disposal facility has failed and cannot be repaired, rehabilitated or replaced by any other means approved under the regulations of DEP and where no municipal sewerage system is readily available to serve the premises, whether by direct connection or reasonable extension. Retaining tanks are not permitted for any new residential premises, but may be permitted for an institution, recreational vehicle dump station or commercial premises with a sewage flow of less than 800 gpd (gallons per day). Retaining tanks may only be installed, constructed or used in accordance with all the provisions of this article. All costs and expenses of designing, constructing, installing, repairing and maintaining a retaining tank shall be borne by and paid for by the owner.

§ 164-86. Supervision of the installation, construction and maintenance of retaining tanks.

All retaining tanks shall be installed and constructed under the supervision of the SEO. The SEO is hereby authorized and empowered to administer and enforce the provisions of this article. In addition, the SEO shall receive, review and retain pumping receipts from permitted retaining tanks and shall conduct an annual inspection thereof with the completion and retention of written inspection reports.

§ 164-87. Specifications of retaining tanks.

- A. Except where greater requirements are imposed by this article, all retaining tanks must comply with all applicable standards and requirements of DEP as now existing or hereafter enacted or amended.
- B. The minimum capacity of a retaining tank shall be 1,200 gallons for each residential or commercial property or a volume equal to the quantity of sewage generated in three days, whichever is greater, said determination to be made by the SEO.
- C. A retaining tank shall be equipped with a warning device to indicate when the tank is filled to within 75% of its capacity. Such device shall consist of two alarms: an audible or visual signal located inside the improved property; and a visual signal located on the improved property so as to be seen from the nearest public road. The owner shall be responsible for the continuous operation of such device.
- D. The specific design of a retaining tank shall be submitted in detail in writing to the SEO for review and approval prior to installation or construction.

§ 164-88. Maintenance of retaining tanks.

The owner shall be responsible to the Township for the maintenance of each retaining tank. Maintenance shall include, but not be limited to, the removal of sewage from the retaining tank, repair of said tank, assurance of continuous operation of the warning device required under § 164-65 hereof and all other actions required to assure containment of sewage and to prevent leakage or spillage of sewage outside said tank.

§ 164-89. Indemnification by owner.

Each owner of an improved property containing a retaining tank installed, constructed or used pursuant to this article shall, by reason of such installation, construction or use, be deemed to have agreed to indemnify Township and hold it harmless of and from any and all liability, damages, costs, expenses, attorney's fees and any other obligation imposed upon it by reason of such owner's failure to perform the obligations imposed hereunder or by otherwise violating this article and, further, shall be deemed to agree to reimburse Township for all costs, expenses and expenditures which it incurs by reason of such owner's failure to perform the obligations imposed hereunder or in enforcing the provisions of this article against said owner.

§ 164-90. Maintenance security deposit.

- A. As a condition of permitting the installation, construction and/or use of a retaining tank, the owner shall deposit with Township a sum as set from time to time by resolution of the Board of Supervisors or an amount recommended by the SEO, whichever amount is greater, in cash, for the improved property served by a retaining tank as partial security for the Township for reimbursement for any costs or expenses incurred in enforcing the provisions of this article against said owner. Said deposit shall be retained by Township in an account to be known as "Retaining Tank Maintenance Security Account," which shall be interest-bearing, which interest shall be retained by Township and may be disbursed annually for general Township purposes, including the application of a sum, as set from time to time by resolution of the

Board of Supervisors, per year per retaining tank for Township's administrative cost in maintaining said account.

- B. The Township shall have the right to use and consume said deposit to reimburse its costs and expenses in the enforcement of this article to include but not necessarily be limited to the following: removing and disposing of sewage from the retaining tank; repairing the retaining tank and/or warning device; inspecting the retaining tank; testing sewage; attorney's fees, court costs and witness fees in any litigation required to enforce this article.
- C. At any time such deposit falls below the original amount thereof, the owner shall promptly deposit such additional funds to restore the full amount. Such further deposit shall be made within 30 calendar days after the date notice requiring such further deposit is mailed to owner.
- D. All deposits made hereunder shall be deemed to be in rem and appurtenant to the improved property containing such retaining tank. As such, the deposit shall be deemed to relate to the owner of said improved property at the time any question arises thereto.
- E. The Township shall return and refund to the then-current owner the maintenance security deposit (or the remaining balance thereof), without interest, upon the occurrence of any of the following events: the improved property is connected to a municipal sewage system; a DEP-approved on-site sewage disposal system is installed to serve the improved property; the improved property is no longer occupied and the retaining tank is discontinued and filled with solid, dry material as approved by the SEO.

§ 164-91. Violations constitute a nuisance.

The owner's failure to comply with the maintenance provisions of this article shall be deemed to be a public nuisance because of the threat to public health and damage to the waters of the Commonwealth of Pennsylvania and may be abated by injunctive action. By installing, constructing or using a retaining tank pursuant to this article, the owner shall be deemed to agree with the foregoing sentence and, further, acknowledges that the Court of Common Pleas of Cumberland County, Pennsylvania, sitting in equity, shall have jurisdiction of the improved property and each owner and that no adequate remedy at law exists.

§ 164-92. Owner responsible for collector.

The Township shall not provide sewage removal, transportation or disposal services and does not intend to license regulate or otherwise control collectors. The owner of the improved property requiring the services of a collector shall be entirely responsible for collector's services and shall indemnify Township and hold it harmless of and from any and all liability (without limitation or exception) imposed or sought to be imposed against Township by reason of the collector's activities, including but not limited to Township's costs of defending against any such claim, including Township's attorney's fees.

§ 164-93. Use of retaining tank is a privilege; revocation of privilege.

- A. The Township's permission for the installation, construction and/or use of retaining tank is hereby declared to be a privilege, as distinguished from a right, of the owner of an improved property. Therefore, the owner's abuse of said privilege by failure to comply with the terms and provisions of this article may be revoked, in which event the improved property served by any such retaining tank shall be vacated and no further sewage shall be generated on or discharged from said improved property without liability to Township.
- B. The Township may revoke such privilege upon not less than five days' written notice mailed to the owner of the improved property and posted conspicuously on each improved property.

§ 164-94. Access to residential premises.

Each owner constructing, installing or using a retaining tank shall be deemed to have authorized the SEO and/or any duly authorized officials of Township to enter upon the improved property to inspect the facilities authorized by this article, to enforce the provisions of this article, abate any nuisances arising from delinquent maintenance of such facilities, enforce the revocation of the privilege of continued use of such facilities. Any such entry shall not constitute a trespass.

§ 164-95. Application and permit required.

- A. An owner of an improved property seeking to use a retaining tank shall submit an application therefore on a form to be provided by Township, which shall include the following information:
 - (1) Name(s) and addresses of each owner.
 - (2) Identification of the improved property, to include the Cumberland County Real Estate Tax Assessor's parcel number; street address; copy of current deed or other document whereby the owner(s) claim(s) title to said improved property.
 - (3) Description of each improved residential unit or commercial unit on each property to include floor plan, room dimensions and nature of each room.
 - (4) A plot or map to scale of the improved property accurately showing the location and description of all improvements, significant differences in surface grade or level and the location of the proposed retaining tank and exterior warning device.
 - (5) A detailed drawing and narrative specifications of the proposed retaining tank and warning devices sufficient for adequate review by the SEO.
- B. A permit issued pursuant to this article shall not be transferred except as hereinafter provided. A transfer or attempted transfer of any permit or any interest therein, except in conformity with this article, shall constitute a default under the Maintenance Security Agreement and a violation subject to penalties as set forth herein.
- C. An owner of an improved property seeking to transfer or acquire an existing retaining tank permit or authority to use a retaining tank for which a permit has been granted to another owner shall submit a written application as required by this article. In addition, the new owner of improved property (the transferee) shall submit a Maintenance Security Agreement either assuming, without exception or reservation, the obligations of the existing land owner (the transferor) or a substitute agreement whereby the transferee undertakes all legal obligations of a permit holder under this article. The Township shall have the right to refuse the transfer if the proposed transferee is unable to comply with the provisions of this article. In addition, the Township shall have the right to impose such other conditions and safeguards upon the transferee as are deemed reasonable and necessary to protect the public interest and to prevent a nuisance or health hazard.
- D. The application shall be accompanied by:
 - (1) A filing and processing fee as set from time to time by resolution of the Board of Supervisors
 - (2) The maintenance security deposit required under § 164-90 hereof.
 - (3) An acknowledgment/agreement signed by each owner in the following form:

ACKNOWLEDGMENT AND AGREEMENT BY OWNER(S)

The undersigned being all the Owners of the following improved residential or commercial property _____

_____ in

North Middleton Township, Cumberland County, Pennsylvania, and in consideration of being granted permission by the Township of North Middleton to install, construct and the privilege to use a Retaining Tank to serve the property known as:

do hereby acknowledge receipt of a copy of Ordinance No. 99-4 of the Township of North Middleton and, intending to be legally bound hereby, agree to comply with each and all revisions of said Ordinance and to otherwise be legally bound thereby. We further acknowledge, understand and agree that said Ordinance and this Acknowledgment/Agreement shall be binding upon all successive and future owners of the improved residential or commercial property.

IN WITNESS WHEREOF, I/we, jointly and severally, have hereunto set my/our hand(s) and seal(s) this _____ day of _____, 20 .

_____(SEAL)

Owner (Individual)

_____(SEAL)

Owner (Individual)

_____(SEAL)

Owner (Individual)

Name of Corporate Owner

By _____

President of Corporation

ATTEST:

Corporate Secretary
(Corporate Seal)

Name of Partner

By _____

Partner

By _____

Partner

By _____

Partner

§ 164-96. Enforcement.

The SEO, with the consent of the Board, is hereby authorized to take all appropriate actions at law or in equity to abate any violation of this article where the continued violation is believed to be

a threat to the health of the inhabitants of this Township or deleterious to the quality of the waters of the Commonwealth of Pennsylvania.

§ 164-97. Violations and penalties.

Any person who shall violate any provision of this article shall, upon conviction thereof by a summary proceeding action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$1,000, plus all court costs and imprisonment, all pursuant to the purpose and mandate of Act No. 172 of 1996. Each day's violation of any provision of this article shall constitute a separate offense.

ARTICLE X On-Lot Sewage Disposal Systems

§ 164-98. Title.

This article shall be known and may be cited as the "North Middleton Township Sewage Facilities Management Ordinance."

§ 164-99. Statutory authority; findings.

As authorized by the Clean Streams Law (35 P.S. § 691.1 et seq.), the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. § 750.1 et. seq.), and the municipal codes, North Middleton Township has an obligation 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 North Middleton Township Act 537 Official Sewage Facilities Plan has evaluated the need to provide adequate sewage facilities and has found that the formation of an On-Lot Management Program to be an effective method of preventing and abating water pollution and hazards to the public health.

§ 164-100. Intent.

- A. The Board of Supervisors recognizes that on-lot sewage disposal systems constitute a valid and approved manner of preserving the quality of the water and other natural resources of the Township through the proper treatment of wastes generated by development within the Township. The use of on-lot sewage systems will be regulated in accordance with the provisions of this article until such time as the Board of Supervisors has obtained approval of a revision of its Act 537 Plan and has adopted an ordinance amending or repealing this article. In addition, the Township has determined that should an on-lot system fail, the water quality and other natural resources of the Township may be polluted.
- B. All landowners of lots hereafter created should provide and set aside areas for the installation of replacement on-lot sewage disposal systems. As further implementation of this policy for lots on which on-lot disposal systems are not feasible, the Township desires to establish procedures for the use and maintenance of privately owned and operated sewage treatment facilities.

§ 164-101. Word usage.

In the interpretation of this article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 164-102. Definitions.

For the purposes of this article, the terms used shall be construed to have the following meanings:

ACT 537 — 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., as amended.

ALTERNATE SYSTEM — A method of demonstrated on-lot sewage treatment and disposal not described in Title 25, Chapter 73, of the Pennsylvania Code, as amended.

AUTHORIZED AGENT — A licensed sewage enforcement officer, qualified registered professional engineer, the Township Engineer, qualified registered professional geologist, qualified soils scientist, codes enforcement officer, plumbing inspector, municipal manager or any other qualified person who is authorized by the Board, to administer or enforce the provisions of this article.

BOARD — The Board of Supervisors of North Middleton Township.

CODES ENFORCEMENT OFFICER (C.E.O.) — An authorized agent of the Township to administer and enforce ordinances and regulations in the Township.

DEPARTMENT — The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

DEVELOPER — Any person who constructs, or contracts to construct, any building or other structure which is serviced, or intended to be serviced, by sewage facilities, or which is required to be connected to sewage facilities.

EQUIVALENT DWELLING UNIT (EDU) — For the purpose of determining the number of lots in a subdivision or land development only as it relates to the determination of planning exemptions and fees for planning module reviews under Title 25, Pennsylvania Code, Rules and Regulations, Department of Environmental Protection, that part of a multiple-family dwelling or commercial or industrial establishment with flows equal to 400 gallons per day. These flow figures are not intended to be used for the calculation of flows for the design of community sewage systems or for the allocation of flows related to community sewage systems. Community sewage system flows for design and permitting purposes shall be calculated using the procedures established in the Department's Domestic Wastewater Facilities Manual.

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 or animals and from which structure sewage shall or may be discharged.

LAND DEVELOPMENT — A land development as defined in the North Middleton Township Subdivision and Land Development Ordinance, as the same is amended from time to time.
Editor's Note: See Ch. 180, Subdivision and Land Development.

LOT — A parcel of land held in single and separate ownership.

MALFUNCTION — The condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into surface waters of this commonwealth, backs up into the building connected to the system or otherwise causes a nuisance hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Any septic or holding tank observed to be leaking is considered a malfunctioning tank. 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.

MUNICIPALITY — North Middleton Township, Cumberland County, Pennsylvania.

OFFICIAL PLAN — A comprehensive plan for the provision of adequate sewage disposal systems adopted by the Township and approved by the Department in accordance with the Act

and with applicable Department regulations regarding Act 537.

OWNER — Any person having a vested legal or equitable interest in land within the Township.

PERSON — The term includes 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 the commonwealth; political subdivision; municipality; district; authority; or other legal entity which is recognized by law as the subject of rights and duties. The term includes the 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.

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 Department regulations.

REPLACEMENT LOCATION — A location designated as the future location of an on-lot sewage system that shall be installed should the initial on-lot system installed or to be installed fail or otherwise become inoperable and which shall be in accordance with all applicable Township ordinances for an on-lot system, and shall be protected from encroachment by a note on the final plan recorded in the Office of the Cumberland County Recorder of Deeds.

SEWAGE — A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals; a substance harmful to the public health, to animal or aquatic life or to the use of water for domestic water supply or for recreation; or a substance which constitutes pollution under the Clean Streams Law.

SEWAGE ENFORCEMENT OFFICER — An official of the local agency who reviews permit applications and sewage facilities planning modules, issues permits as authorized by the Act and conducts the investigations and inspections that are necessary to implement the Act and regulations there under.

SEWAGE FACILITIES — A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. The term includes:

- A. **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 waters of this commonwealth or by means of conveyance to another site for final disposal.
 - (1) **INDIVIDUAL ON-LOT SEWAGE SYSTEM** — An individual sewage system that uses a system of piping, tanks or other facilities for collecting, treating or disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
 - (2) **INDIVIDUAL SEWAGE SYSTEM** — All individual sewage systems which use a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
- B. **COMMUNITY SEWAGE SYSTEM** — A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.
 - (1) **COMMUNITY ON-LOT SEWAGE SYSTEM** — A community sewage system that uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a soil absorption area or retaining tank.
 - (2) **COMMUNITY SEWAGE SYSTEM** — A publicly or privately owned community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than retaining tank.

SINGLE AND SEPARATE OWNERSHIP — The ownership of a lot by one or more persons, which such ownership is separate and distinct from that of any abutting or adjoining a lot.

STRUCTURE — Any man-made object having an ascertainable location on or in land or water, whether or not affixed to the land.

SUBDIVISION — A subdivision as defined in the North Middleton Township Subdivision Land Development Ordinance as amended from time to time. Editor's Note: See Ch. 180, Subdivision and Land Development.

TOWNSHIP — The Township of North Middleton, Cumberland County, Pennsylvania

§ 164-103. Additional definitions.

All other definitions of words and terms used in this article shall have the same meanings as set forth in Chapter 73, Standards for Sewage Disposal Facilities, of Title 25, Rules and Regulations, Department of Environmental Protection.

§ 164-104. Applicability; permit required.

- A. General. The owner of any land, building or structure within the Township served or to be serviced by a sewage facility shall be subject to all of the provisions of this article except as specifically exempted herein.
- B. Permits required. A permit shall be obtained from the authorized agent of the Township in accordance with the applicable provisions of Act 537, the regulations of the Department of Environmental Protection, this article, and any other applicable authority prior to the installation or repair of any sewage facility.

§ 164-105. Testing requirements.

- A. General. After the effective date of this article, no requests for approval of planning modules for land development and no revision, exceptions to revision, or supplements to the official plan shall be granted by the Board unless the applicant presents evidence satisfactory to the Board that each lot to be created contains a suitable location for the installation of an sewage facility and replacement location.
- B. Exception. Land which is to be served by a community sewage system is exempt, providing that the owner and the Department have executed a capacity agreement for such system. Any division or development of land that does not constitute a subdivision or land development, as defined by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as reenacted January 21, 1988, P.L. 1329, No. 170 (53 P.S. § 10101, et seq.), as amended, or the North Middleton Subdivision and Land Development Ordinance, Editor's Note: See Ch. 180, Subdivision and Land Development, and, further does not increase the EDU demand on an existing sewage facility, shall be exempt from requirements of this § 164-105, provided, however, that the provisions of Act 537, and the regulations of the Department of Environmental Protection so provide.
- C. Procedure. The Sewage Enforcement Officer (SEO) shall perform or observe all tests required by this article for the location of a sewage system, and confirm the suitability of the location. The applicant shall provide a plot plan, which identifies the location of the deep probe, the percolation holes, and the type of, and area for, the wastewater disposal system approved by the SEO.

§ 164-106. Replacement location required.

- A. General. After the effective date of this article, a replacement location for an on- lot sewage system shall be required for all newly created lots which are not serviced or to be serviced by a community sewage system. Lots existing on or prior to the date of this article shall be exempt from the requirements of this section. Suitability testing is required and shall comply with all applicable regulations.
- B. Identification. The location of the initial on-lot sewage system and the replacement location shall be identified on the final plan.
- C. Notation required. A note shall be added to the final plan stating that no improvements shall be constructed upon the replacement location.
- D. Waiver. Upon application, and upon a showing that none of the conditions exists which replacement locations are required under then current regulations of the Department, the Board may waive the requirements of this section.

§ 164-107. Private sewage treatment facilities and alternative systems.

- A. Applicability. When it is impossible for an owner to provide a sewage facility, the Township will consider a request for the installation of an alternate private sewage facility. No such facility shall be approved unless it complies with all applicable federal and state statutes, Township ordinances, all and any regulations promulgated by any governmental agency having jurisdiction.
- B. Procedure. In the event any alternate private sewage facility is proposed to serve more than one owner, the applicant for such facility shall provide an agreement and financial security for the governance and maintenance of such facility. The agreement and financial security shall be subject to the approval of the Township Solicitor, and the Township Engineer shall determine the amount of the financial security. The applicant shall further comply with all applicable regulations set forth in Title 25 of the Pennsylvania Code.

§ 164-108. Operation, maintenance, inspection, repair and replacement.

- A. General. Commencing on the effective date of this article, all sewage facilities and alternate systems shall be accessible at reasonable times for complete inspection by the Township or its authorized agent. Every owner of an individual sewage system shall have seepage or other solids removed from the treatment tank at least once every four years unless an inspection program reveals that the treatment tank is filled, in a longer time interval, with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of the liquid depth of the tank. In either of the latter events, the longer time interval shall control. At the time of required pumping, periodic inspection shall be performed to determine whether or not any system is operating properly. Inspections shall include the inspection of the septic tank, aerobic tanks, disposal field, distribution box and any other components of the system.
- B. Frequency. The Township may increase the frequency of inspection:
 - (1) If the system is presently malfunctioning;
 - (2) If a regular inspection reveals a malfunctioning system;
 - (3) If the system has malfunctioned in the past;
 - (4) If frequent tank pump out is required;
 - (5) If the nature of use will significantly increase the load on the system periodically;
 - (6) If the number of people using the system increases; or
 - (7) For any other reason deemed necessary by the Township.

- C. Malfunction defined. The sewage facilities or alternative system is malfunctioning when it causes pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems, or a hazard to public health. Indications of malfunctioning systems are evident when, but are not limited to, foul odors, lush grass growing over the system, backup of wastewater in the attached buildings, soggy ground over the system, surfacing sewage effluent flowing over the ground and occurring at any time of the year.
- D. Maintenance. The Board, or its designated agent, may require any owner to provide other periodic maintenance which may include, but is not limited to, surface contouring to divert stormwater and specific maintenance of system components inclusive of electrical, mechanical, plumbing, chemical system features, collection and conveyance piping, pressure lines and manholes, alarm and flow recorder devices, pumps, disinfection equipment and related safety items. Every owner shall protect the absorption area from physical damage. Holding tanks shall be maintained in accordance with all applicable regulations of the Department.
- E. Compliance. If the owner fails to promptly comply with the order of the Township, or its authorized agent, and should such failure result in a public nuisance, the Board shall have the right to abate such nuisance under the authority of the Second Class Township Code and to assess the cost of abatement as a lien against the property.

§ 164-109. Proof of compliance.

- A. General. Proof of pumping and/or inspection shall be provided by the owner of the individual system within thirty days of the date of service. The inspection may be performed by the Board's designated agent, who may be a licensed seepage pumper/hauler approved by the Board. In either event, a signed receipt containing the following information shall be provided to the owner and the Township:
 - (1) Date of pumping;
 - (2) Name and address of system owner;
 - (3) Address of tank location if different than owners;
 - (4) Description and diagram of location of tank including location of any markers, risers, and access hatches;
 - (5) Size of tank;
 - (6) Age of the system (where applicable);
 - (7) Last date of pump out;
 - (8) List of any maintenance performed;
 - (9) Any indication of system malfunctioning observed;
 - (10) Amount of sewage or other solid or semisolid material removed; and
 - (11) Waste hauler's state license number permitting him to collect and haul sewage in the Commonwealth of Pennsylvania.
- B. Submittal to the Township. The owner shall sign the receipt to affirm that, to the best of his or her knowledge, the sewage contains none of the prohibited substances specified in § 164-110C of this article. The original counterpart of the receipt shall be filed with the Township within 30 days of the date of pumping, and a copy of it shall be provided to the owner.

§ 164-110. Availability of regulations; water conservation; discharges.

- A. General. The Township shall make available to all existing and new residents a copy of an abstract of the pertinent information and regulations as outlined by this article. Appropriate literature and publications discussing the care and maintenance of septic tanks, waterless toilets and other subsurface waste disposal systems shall be made available to those residents who utilize such systems to the knowledge of the Township.
- B. Residents shall be encouraged to minimize water use and to install water-saving devices in order to increase the efficiency and promote the long life of on-lot disposal system; water conservation measures shall be implemented as directed by the Township, its agents or Sewage Enforcement Officer. The following criteria shall be considered as the maximum allowable water usage limits where a home is to be considered as utilizing water conservation practices:
 - (1) Flow-control faucet aerators (two gallons per minute).
 - (2) Low-flush toilets (1.5 gallons per flush).
 - (3) Flow-limiting shower heads (2.5 gallons per minute).
 - (4) Use of other water saving appliances.
- C. Permitted and prohibited discharges. No owner shall permit a flow in excess of the designed capacity to discharge into a sewage facility. No owner shall permit hazardous substances or chemicals, including, but not limited to, pesticides, disinfectants, acids, paint, paint thinner, herbicides, solvents, or petroleum derived products to be discharged into any system.

§ 164-111. Right of entry.

- A. General. Except as provided in B herein, upon presentation of proper identification, Township employees, agents or officials shall be admitted to any property for the purpose of inspection, observation, sampling, maintenance or rehabilitation of sewage facilities, and alternative systems; provided, however, that 72 hours' prior written notice by certified mail shall have been given to the owner.
- B. Emergency procedures. When, in the opinion of an authorized Township employer's agent or official, there is imminent danger of a threat to the public health, such person is authorized to order the owner not to permit further discharge into a sewage facility until the threat has been removed. In the event of such emergency, no prior written notice shall be required.
- C. Denial of entry. If entry is refused or not obtained, the authorized agent of the Township is authorized to pursue recourse as provided by law.
- D. Remedial measures. The Township may require the correction or alteration of the system in the event that the inspection reveals a malfunction or inadequacy. The SEO shall provide a written notification requiring specific remedial action to be completed within a reasonable period of time as is deemed necessary according to the severity of the malfunction or inadequacy.

§ 164-112. Administration fees.

- A. General. The Board shall appoint, by resolution, such persons, as it deems necessary to administer and enforce the provisions of this article. Such persons, as appointed, shall be deemed to be the authorized agents of the Township as that term is defined in this article. The procedure for initial and continuing implementation of this article shall be adopted by resolutions of the Board from time to time.
- B. Fees. The Township may establish a fee schedule, and subsequently collect fees, to cover the cost of administering the on-lot maintenance program. The Township can set fees from

time to time by a properly enacted resolution or ordinance.

§ 164-113. Disposal of seepage by pumpers/haulers.

Every seepage pumper/hauler shall be licensed by the Department and shall, at all times, comply with the requirements of the Solid Waste Management Act, 35 P.S. § 6001, et seq. No seepage pumper/hauler shall disperse any liquid or solid seepage or sewage into or upon the air, land or waters of the Township without first having provided written notice of such intention to the Township at least 14 days prior to the proposed dispersal, which notice shall include copies of written approvals from the Department and all other governing authorities for such activity and the terms and conditions imposed by the Department and other governing authorities.

§ 164-114. Violations.

It shall be unlawful for any person to violate or fail to comply with any provision of this article, including, but not necessarily being limited to, the construction, maintenance, repair, alteration, or failure to maintain, extend or use any sewage facility or any alternate sewage facility, or to fail to obey a lawful order of the Township or its authorized agent.

§ 164-115. Penalties.

- A. Any person who shall violate or fail to comply with any provision of this article shall, upon conviction thereof by a summary proceeding action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$100 nor more than \$1,000, plus all court costs, reasonable attorney fees, and imprisonment, all pursuant to the purpose and mandate of Act No. 172 of 1996. Each day's continuance of a violation of this article shall constitute a separate offense and shall be punishable as such.
- B. The discharge by the Township of its obligations as set forth in this article shall create no liability upon the Township, its officials, employees or agents.
- C. All reports, inspections, appraisals, certifications or records required or produced by the Township, its officials, employees or agents, as required by this article, shall be for the use and benefit of the Township only and shall not be accepted, utilized or relied upon by any other person or party by way of certification or otherwise.

§ 164-116. Remedies.

In case of any unlawful acts, the Township's authorized agent shall institute an appropriate action or proceeding at law to exact the penalty provided in § 164-115 A. In addition, the authorized agent, at the direction of the Board, shall ask the Township Solicitor to proceed at law or in equity against the person or persons responsible for the violation for the purpose of ordering that person:

- A. To restrain, correct or remove the violation or refrain from any further use of the sewage facility;
- B. To restrain or correct the construction, installation, maintenance, repair or alteration of a sewage facility or alternate sewage facility;
- C. To require the removal of work in violation;
- D. To prevent the occupancy or use of any structure that is serviced by a sewage facility which is not in compliance with the provisions of this article; or

- E. To institute proceedings to abate a public nuisance under any lawful authority providing for the abatement of such nuisances and to assess the cost and related expenses of such abatement as a lien against the premises.

§ 164-117. Effect on other regulations.

The provisions of this article, so far as they are the same as those of ordinances in force immediately prior to the enactment of this article, are intended as a continuation of such ordinances and not as new enactments. Provisions of this article shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this article.