

**EAST VINCENT TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE No. 240

**AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT OF ON-LOT
SEWAGE**

SECTION 1. Short Title; Introduction; Purpose.

- A. This ordinance shall be known and may be cited as “An ordinance providing for an on-lot Sewage Management Program for East Vincent Township.”
- B. In accordance with Second Class Township Code (53 PS § 65101 et seq.), the Clean Streams Law (Acts of June 27, 1937, P.L. 1987, No. 394 as amended, 35 Ps §~691.1 to 691 1001), and the Pennsylvania Sewage Facilities Act (Acts of January 24, 1966, P.L. 1535 as amended, 35 P S §750.1 et. seq. known as Act 537), it is the power and the duty of East Vincent to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for East Vincent Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.
- C. The purpose of this ordinance is to provide for the regulation, inspection, maintenance and rehabilitation of on-lot sewage disposal systems, to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

SECTION 2. Definitions. For the purposes of this ordinance any term, which is not defined herein, shall have that meaning attributed to it under the Sewage Facilities Act and the regulations promulgated thereto.

- A. Authorized Agent: The sewage enforcement officer, designated as the Chester County Health Department (Health Department) or other person or entity appointed by the East Vincent Township Board of Supervisors to administer this ordinance.
- B. Board: The Board of Supervisors, East Vincent Township, Chester County, Pennsylvania.

- C. Chester County Septage Management Database: The electronic database maintained by the Chester County Health Department for monitoring activities related to the management of on-lot individual sewage disposal systems.
- D. Community Sewage System: Any system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one of more lots or at any other site for disposal in whole or in part into the soil, including but not limited to land application by spray irrigation.
- E. Department: The Department of Environmental Protection of the Commonwealth of Pennsylvania or "DEP."
- F. Health Department: The Chester County Health Department.
- G. 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.
- H. Lot: A parcel of land under single and separate ownership or described by an approved and still valid subdivision plan recorded in the office of the Recorder of Deeds of Chester County.
- I. Malfunction: A condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length or time during any period of the year.
- J. Official Sewage Facilities Plan: A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board and approved by the Department, pursuant to the Pennsylvania Sewage Facilities Act.
- K. On-lot Sewage Disposal System: Any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank: this term includes both individual sewage systems and community sewage systems.
- L. Person: Any individual, association, public or private corporation, for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject or rights and duties. Whenever used in any clause prescribing and imposing a

penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public, or private corporation for profit or not for profit.

- M. Rehabilitation: Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.
- N. Retaining Tank: A watertight receptacle which receives and retains sewage and which is designed and constructed to hold sewage pending the ultimate disposal of the sewage at another location, site, or area.
- O. Sewage: Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or to recreation or which constitutes pollution under the Acts of June 22, 1936 (P L 1987, No. 394), known as "The Clean Streams Law," as amended.
- P. Sewage Enforcement Officer (SEO): A person certified by the PA Department of Environmental Protection who is employed by the County Health Department. Such a person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by the Township.
- Q. Sewage Management District: Any area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board as an area for which a Sewage Management Program is to be implemented. For East Vincent Township, said district shall include the entire Township except those areas specifically served by public sewers.
- R. Sewage Management Program: A comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board or the Health Department to effectively enforce and administer this ordinance.
- S. 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. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.
- T. Township: The Township of East Vincent, Chester County, Pennsylvania.

SECTION 3. Applicability.

From the effective date of this ordinance, its provisions shall apply in any portion of the Township identified in the Official Sewage Facilities Plan as a sewage management district. Within such an area or areas, the provisions of this ordinance shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems.

SECTION 4. Permit Requirements.

- A. No person shall install, construct or request bid proposals for construction, or alter an individual sewage system or community sewage system without first obtaining a permit from the Sewage Enforcement Officer, which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law and the Pennsylvania Sewage Facilities Act and the regulations adopted pursuant to those Acts.
- B. The procedures for application for and granting of a permit shall be established, revised, promulgated and enforced and enforced by the Health Department.
- C. No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities and for which an individual sewage system or community sewage system is to be installed until a valid sewage permit has been obtained from the Sewage Enforcement Officer.
- D. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure to an individual sewage system or community sewage system until either the structure's owner receives a permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from the Sewage Enforcement Office that such a permit will not be required. The Sewage Enforcement Officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

SECTION 5. Inspections.

- A. Each person owning a building served by an on-lot sewage disposal system shall employ a maintenance contractor to complete routine inspections for the purpose of evaluating ongoing condition and maintenance needs of each on-lot sewage disposal system in the Township.

- B. Routine inspections shall be completed every three years after the date of initial inspection, or the date of a new on-lot sewage disposal system installation. Routine inspections shall also be completed every three years after final installation approval by the Chester County Health Department SEO for all on-lot sewage disposal systems constructed after the effective date of this article.
- C. Routine inspections may be conducted concurrent with the pumping requirements of Section VII as applicable.
- D. A written inspection report signed by the maintenance contractor shall be furnished to the Township by the person owning the property served by the on-lot sewage disposal system within 30 days of the inspection. All written inspection reports shall be on a form provided by the Township.

SECTION 6. Operation.

- A. Only normal domestic wastes shall be discharged into any on-lot sewage disposal system, including wastes listed in Section 73.11(c) of Title 25. The following shall not be discharged into the system.
 - 1. Industrial waste.
 - 2. Automobile oil and other non-domestic oil.
 - 3. Toxic or hazardous substances or chemicals including, but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline, and other solvents.
 - 4. Clean surface or ground water, including water from root or cellar drains, springs, basement sump pumps and French drains.

SECTION 7. Maintenance.

- A. Such person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank pumped by a Chester County Health Department Licensed Liquid Waste Hauler at least once every three years or whenever an inspection reveals that the septic tank is filled with solids or scum in excess of 1/3 of the liquid depth of the tank. Receipts from the pumper/hauler shall be reported to the Chester County Septage Management Database within the prescribed three-year pumping period.
- B. The required pumping frequency may be increased at the discretion of an Authorized Agent if the septic tank is undersized compared to the current standard, if the solids build-up in the tank is above average, if the hydraulic load

on the system increases significantly above design capacity, if the system malfunctions or for other good cause shown.

- C. All septic tanks shall be pumped through the manhole access of each tank or tank chamber.
- D. Upon completion of the pumping of any septic tank, the interior of the tank, if accessible, shall be inspected to determine if the baffles in the septic tank are in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact the Sewage Enforcement Officer for approval of the necessary repair.
- E. Any person owning a building served by an on-lot sewage disposal system, which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within six months of the effective date of this ordinance. Thereafter, service receipts shall be submitted to the Chester County Septage Management Database, if applicable, at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.
- F. Any person owning a building served by a cesspool or dry well in an area of numerous malfunctions or in an area where a repair is not technically feasible, shall have that system pumped according to the schedule prescribed for septic tanks to mitigate potential pollution. As an alternative to this scheduled pumping of the cesspool or dry well, and pending any scheduled replacement of the substandard system as identified in the Official Sewage Facilities Plan, the owner may apply for a sewage permit from the Sewage Enforcement Officer for a septic tank to be installed preceding the cesspool or dry well. For this interim repair system consisting of a cesspool or dry well preceded by an approved septic tank, only the septic tank must be pumped at the prescribed interval. The cesspool or dry well may be pumped to aid operating efficiency.
- G. Additional maintenance activity may be required as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.
- H. It shall be the responsibility of the owner of a lot, which utilizes an on-lot sewage disposal system, to maintain surface contouring and other measures consistent with the provisions found in 25 Pa. Code, Chapter 73 (relating to standards for on lot sewage treatment facilities) to divert stormwater away from treatment facilities and absorption areas and to protect the absorption areas from physical damage.

SECTION 8. System Rehabilitation.

- A. No person shall operate or maintain an on-lot sewage disposal system in such a manner that it malfunctions. All sewage wastes shall be discharged to a treatment tank. No sewage systems shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit for such discharge has been obtained from the Department. Discharges into the surface waters of the Commonwealth will not be permitted except for replacement of malfunctioning systems and only then if all other alternative disposal systems are found to be infeasible.
- B. A written notice of violation shall be issued to any person who is the owner of any property, which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging sewage without a permit. The Sewage Enforcement Officer shall be notified of all violations.
- C. Within thirty (30) days of notification by the Township of Health Department that a malfunction has been identified, the property owner shall make application to the Sewage Enforcement Officer for a permit to repair or replace the malfunctioning system. Within ninety (90) days of initial notification by the Township, construction of the permitted repair or replacement shall commence, weather permitting. Within one (1) year of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township in cooperation with the Sewage Enforcement Officer, shall set an extended completion date.
- D. The Sewage Enforcement Officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative approved by the Sewage Enforcement Officer or the Department appropriate for the specific site.
- E. In lieu of, or in combination with, the remedies described in Subsection D above, the Authorized Agent may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.
- F. In the event that the rehabilitation measures in Subsections A through E are not feasible or effective as determined by the Sewage Enforcement Officer or the Department, the owner may be required to apply to the Department for a permit to install a single residence treatment and discharge system. Upon receipt of said

permit, the owner shall complete construction of the system within six (6) months, weather permitting.

- G. Should none of the remedies in this section be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent possible.

SECTION 9. Disposal of Septage.

- A. All septage originating within the sewage management district shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Acts 97 of 1980, 35 P.S. §§6018.101 et. seq.) and all other applicable laws and at sites or facilities approved by the Department. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farmlands.
- B. Pumper/haulers of septage operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Acts 97 of 1980, 35 P.S. §§6018.101 – 6018.003) and all other applicable laws.

SECTION 10. Penalties.

Any person failing to comply with any provisions of this ordinance may be subject to a civil penalty of not less than three hundred dollars (\$300) and not more than two thousand five hundred dollars (\$2,500) for each violation and in addition, may be assessed the cost of damages caused by such violation and the cost of correcting such violation. Each day of noncompliance shall constitute a separate offense.

SECTION 11. Fee Schedule.

The Board shall, by resolution, adopt a fee schedule for the administration of this article. Said schedule shall be kept on file by the Township Secretary and shall be reviewed and revised as necessary.


SECTION 12. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the ordinances of the Township that are unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 13. Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 14. This Ordinance shall become effective five (5) days after enactment.

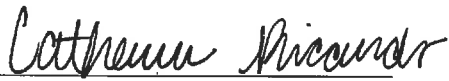
ENACTED AND ORDAINED THIS 3rd **DAY OF** February, 2021.

**EAST VINCENT TOWNSHIP
BOARD OF SUPERVISORS**

by: 
CHRISTOPHER D. CANALE
Chairman

by: 
EDMUND J. DRACUP
Vice Chairman

ATTEST:


Catherine Ricardo
Secretary

by: virtual
JOHN D. FUNK
Supervisor