

TOWNSHIP OF WEST COCALICO

Lancaster County, Pennsylvania

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE WEST COCALICO TOWNSHIP CODE OF ORDINANCES, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, TO REVISE REGULATIONS GOVERNING ON-LOT SEWAGE DISPOSAL SYSTEMS AND ADD REGULATIONS GOVERNING HOLDING TANKS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of West Cocalico, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Township of West Cocalico, Chapter 18, Sewers and Sewage Disposal, Part 1, On-Lot Sewage Disposal Systems, shall be revised to provide as follows:

**Part 1
On-Lot Sewage Disposal Systems**

§18-101. Name.

This Part shall be known as and may be referred to as the "West Cocalico Township On-Lot Sewage Disposal Ordinance."

§18-102. Purpose.

The purposes of this Part include:

1. The regulation of soil testing for installation, inspection, operation, rehabilitation, replacement, and timely ongoing maintenance of OLDS within the Township.
2. The establishment of provisions and safeguards for the Township which enable the issuance of permits for bonded systems and IRSIS systems by and through the Township Sewage Enforcement Officer (SEO).
3. Establishment of minimum standards for the periodic pumping of treatment and pump tanks which are components of OLDS permitted by the SEO.
4. Adoption of standards for initial inspection and subsequent pumping of systems and tanks.

5. Establishment of standards for the proper abandonment of OLDS.

§18-103. Definitions.

The following words and terms when used in this Part shall have the following meanings:

1. Word Usage. In the interpretation of this Ordinance, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

2. Definitions.

Absorption area – a component of an individual or community OLDS where liquid from a treatment tank seeps into the soil; it consists of an aggregate-filled area containing piping for the distribution of liquid and the soil or sand/soil combination located beneath the aggregate.

Absorption area easement – a portion of a lot, tract, or parcel that encompasses the intended locations for a primary and replacement area and which shall be delineated and preserved. The primary and replacement areas need not be contiguous.

Act – 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.*

Board – the Board of Supervisors of West Cocalico Township, Lancaster County, Pennsylvania.

Bonded disposal system – an individual sewage system located on a single lot serving a single-family residence, where soil mottling is within 20 inches of the mineral soil surface, the installation, operation, and replacement of which is guaranteed by the property owner.

Chisel plow – a farm or tractor implement used to “rough up” or scarify the soil surface, break down surface vegetation, and increase the soil surface area.

Community on-lot sewage disposal system – a system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

Conventional in-ground trench sewage system – a system consisting of a two compartment septic tank distribution box, header pipe, or dosing tank with final disposal to individual trenches 1 foot to 6 feet in width, 10 inches to 36 inches deep, being placed in soil 48 inches above the soil limiting zone.

DEP – the Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

Developer – any person which erects or contracts to erect a building on property owned by it, with the intent to sell the building to some other party upon its full or partial completion, or upon the conveyance of property on which the building is to be built.

Domestic wastewater – liquid waste products from fixtures of residential units which contain less than the following: 250 mg/l BOD; 250 mg/l suspended solids; 500 mg/l total dissolved solids; 100 mg/l biodegradable grease and oil; 25 mg/l NH₃ 35 mg/l total ketene; 10 mg/l phosphorous and containing no priority pollutants in excess of concentrations in the current EPA priority pollutant lists.

Drip irrigation – a sewage treatment and shallow soil disposal system consisting of a septic tank and filter or a secondary aerobic treatment unit which discharges to a dosing tank that conveys the treated sewage to the shallow disposal drip tubing.

EPA – the United States Environmental Protection Agency or any agency successor thereto.

Equivalent dwelling unit (EDU) – for the purpose of determining the number of lots in a subdivision or land development, that part of a multiple-family dwelling, commercial, industrial, or institutional establishment with sewage flows equal to 400 gallons per day.

Failing sewage system – a sewage system that is not functioning as intended and which, as a result, may in the future discharge raw or untreated sewage to the surface of the ground or into a stream, lake, well, or pond, and/or backs up within a household plumbing fixture causing an unsanitary condition.

Individual residential spray irrigation system (IRSIS) – an individual sewage system that serves a single-family dwelling and that treats and disposes of sewage using a system of piping, treatment tanks, and soil renovation through spray irrigation.

Individual on-lot sewage system – an individual sewage system that uses a system of piping, tanks, or other facilities for the collecting, treating, and disposing of sewage into a soil absorption area or retaining tank.

Individual sewerage system – an individual sewage system, which uses a method of collection, conveyance, treatment, and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

Industrial waste – a liquid, gaseous, radioactive, solid, or other substance, which is not sewage, resulting from manufacturing or industry or other plant or works and mine drainage, silt, coal mine solids, rock, debris, dirt, and clay from coal mines, coal collieries, breakers, or other coal processing operations. The term includes substances whether or not generally characterized as waste.

Malfunction – a condition which occurs when an OLDS discharges raw or partially treated sewage or other pollution to the surface of the ground or into the surface waters, or results in contamination of private or public drinking water supplies, or otherwise creates nuisance problems or hazard to public health.

Manifest - A written report made to the Township by a septage hauler providing service to an OLDS within the Township which at a minimum contains the name and address of the septage hauler, the name of the property owner, the address of the property upon which the

OLDS is located, and all other information required in Section 18-113 of this Part.

Marginal conditions – a property shall be deemed to exhibit marginal conditions if it displays any of the following characteristics: gross lot size of less than 1.5 acres; wetlands; floodplain; limiting zones of less than 20 inches to evidence of seasonal high water table or rock; slopes in excess of 25 percent; isolation limitations that would limit available space for OLDS or reduce the net lot size to less than 1.5 acres.

Owner - Any person having legal title to a lot containing an OLDS or a community on-lot sewage disposal system or which is proposed to be developed with an OLDS or a community on-lot sewage disposal system.

OLDS – individual or community on-lot sewage disposal system.

Person - Any individual, association, partnership, public or private corporation whether for profit or non-profit, trust, firm, estate, or other legally recognized entity. Whenever the term "person" is used in connection with any clause providing for the imposition of a fine or imprisonment or the ordering of the action to comply with the terms of this Part, the term "person" shall include the members of an association, partnership or firm or other legal entity.

Planning module for land development – a revision to, or exception to the revision of, the official plan, submitted in accordance with the Regulations, and in connection with the request for approval of a subdivision or land development plan.

Primary area – an area on a lot, tract, or parcel of land that has been tested by the SEO and found suitable, based upon the then current DEP site requirements, for the installation of an on-lot sewage disposal system, and which will be preserved and protected from alteration for installation of the initial on-lot sewage disposal system for the sewage generated on that lot, tract, or parcel. (See "replacement area").

Pumper/Hauler – any person who engages in cleaning on-lot sewage disposal systems and transports the septage removed from those systems.

Pumping tank – a tank designed to retain a specified volume of wastewater which contains a pumping device to convey its contents to a drainfield, septic tank, holding tank or other treatment system.

Regulations – Chapters 71, 72, and 73 of the Pennsylvania Code containing regulations promulgated by DEP.

Replacement area – an area on a lot, tract, or parcel of land, separate from the primary area, that has been tested by the SEO and found suitable, based upon the then current DEP site requirements, for the installation of an OLDS, and which will be preserved and protected from alteration for potential future use if the primary area on the same lot, tract, or parcel shall fail for any reason. (See "primary area").

Retaining tank – a watertight receptacle, which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes, but is not limited to, the following:

Chemical toilet – a permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.

Holding tank – a tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.

Privy – a tank designed to receive sewage where water under pressure is not available.

Incinerating toilet – a device capable of reducing waste material to ashes.

Composting toilet – a device for holding and processing human and organic kitchen waste, employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.

Recycling toilet – a device in which the flushing medium is restored to a condition suitable for re-use in flushing.

Septage – the residual scum, sludge, and other materials pumped from septic or aerobic treatment tanks and the systems they serve.

Sewage – any substance that contains any waste products, or excrement or other discharge from the bodies of human beings or animals; a substance harmful to the public health, animal or aquatic life, or the use of water for domestic water supply or for recreation, or a substance that constitutes pollution to the waters of the Commonwealth under The Clean Streams Law, 35 P.S. §691.1 *et seq.*

Sewage Enforcement Officer or SEO – an individual who has a current sewage enforcement officer's license issued by DEP and has been appointed by the Board to serve this position.

Sewage Management District – The maintenance districts of the Township as designated in the Official Sewage Facilities Plan.

Sewage Management Program – A comprehensive set of legal and administrative requirements encompassing the requirements of this Part, Act 537, The Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this Part.

Soil scientist – a practicing Pennsylvania ARC PAC or PAPSS Certified Soils Professional qualified for on-lot sewage evaluations.

Spray site – a site containing underground piping and above ground spray nozzles where secondary or tertiary treated and disinfected wastewater is sprayed on the surface of the ground.

Township – West Cocalico Township, Lancaster County, Pennsylvania.

Treatment tank – a watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. The term includes the following:

Septic tank – a treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.

Aerobic sewage treatment tank – a mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.

Waters of the Commonwealth – rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

3. Additional Definitions. All words within this Part which are defined within the Regulations which are not otherwise defined herein shall have those definitions contained in said Regulations.

§18-104. Permits Required; Coordination with Building Permits; DEP Permitted Systems.

1. All individual or community OLDS, regardless of the size of the lot, tract, or parcel on which they are proposed to be constructed, are subject to issuance of a permit by the SEO pursuant to the requirements of this Part, the Act and regulations.

2. Building and zoning permits shall not be issued for any building or improvement to real property to be serviced by an OLDS prior to receiving a permit for the installation of the OLDS from the SEO.

3. All individual sewage system components including absorption areas must be located on the same lot, tract, or parcel as the structure they will serve. Systems or components cannot be located on a separately deeded parcel, regardless of the parcel's ownership, except existing lots of record prior to October 2, 2008, through means of an easement.

4. All planning modules proposing individual or community OLDS which require a DEP permit shall include a provision granting the Township and its agents the right to enter the premises to inspect the construction and/or operation of the DEP permitted system, and if the system is not being constructed or operated according to the permitted design, issue a stop work order or revoke the occupancy permit until construction or operation is brought into compliance with the permit.

5. No part or component of any OLDS shall be altered, extended, augmented, modified, or repaired without the issuance of a repair permit by the SEO.

6. No OLDS shall be used or loaded in a manner that is inconsistent with the permit that was issued to authorize the OLDS' installation.

7. Permit applications for on-lot systems that include electronically, mechanically,

hydraulically, or pneumatically operated or controlled devices shall be accompanied by the respective manufacturer's recommended maintenance schedule and product specifications.

8. Permit applications for which the provisions of §18-107 of this Part apply shall include a fully executed maintenance contract indicating the person or company responsible to carry out the required maintenance, the maintenance schedule, and a provision that if the contract is terminated that the Township be so notified.

9. No permit may be signed which proposed technology outlined with §18-107 until a signed maintenance agreement has been approved by the Township Solicitor is executed and attached to the permit document.

§18-105. Replacement Areas.

1. Soil probe and percolation testing and/or soil morphological evaluations by a soil scientist to provide a replacement area shall be required on all proposed lots which are intended to be served by a soil absorption area, with the exception of drip irrigation and IRSIS systems.

2. A replacement test area shall be required for all unimproved lots of record within the Township which are intended to be serviced by a soil absorption system upon applying for a permit to install an OLDS.

3. Allowance of open land for the replacement area, without performance of appropriate soil testing to verify suitability of the land for a replacement area, shall not constitute compliance with this Section.

4. The location of the primary and replacement areas shall be delineated and identified as an absorption area easement on the plot plans, and maps or diagrams submitted as part of the permit application and subdivision or land development plan.

5. The description, including metes and bounds, of every absorption area easement shall be recorded as part of the deed for each lot created as part of a subdivision or land development, and shall contain language reflecting the following:

A. No improvements, whether permanent or temporary, shall be constructed upon or within the absorption area easement.

B. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the absorption area easement.

C. During any construction or other activities, the absorption area easement shall be so marked and protected by temporary construction fencing to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating on the surface of the absorption area easement.

D. The final cover or improvement to every absorption area easement shall be limited to shallow rooted vegetation. The exception shall be where drip irrigation or IRSIS systems are proposed, trees will be allowed to remain.

E. No trees shall be planted or remain which are located within 10 feet of the proposed sewage absorption area.

6. An Owner wishing to alter the use of the absorption area easement must first document, through a site evaluation by the SEO, that an additional area suitable for the installation of an on-lot system exists, and upon such a finding shall:

A. Prepare and submit to the SEO for approval a declaration of easement which shall:

(1) Meet the identification, non-use, and preservation requirements of this Section.

(2) Describe, by metes and bounds, the easement area to be abandoned.

B. Within 15 days of the approval by the Township record the declaration of easement at the Lancaster County Recorder of Deeds Office.

C. File a copy of the recorded easement with the Township.

§18-106. On-Site Probe and Percolation Testing.

1. All sites shall have a minimum of two soil probes excavated and observed by the SEO.

2. Nonresidential or community sites shall have a minimum of one probe every 50 feet on conventional ground based systems and one probe every 100 feet for drip and spray sites. Probes shall be staggered in order that the lower probe is in the middle of the upper two.

3. All sites shall have a minimum of six-percolation test holes conducted uniformly within the proposed sewage absorption area.

4. Nonresidential and community sites shall require the following number of percolation test holes as follows:

Proposed Absorption area square feet	Number of Percolation test holes
2,000	9
3,000	12
4,000	15
5,000	18
6,000	21
7,000	24

5. No sewage system repairs may be completed involving the installation of a new sewage absorption area or a repair to an existing sewage absorption area without completing perco-

lation and soil probe testing as per §18-105.1 through §18-105.4.

6. All percolation and soil probe testing shall be observed by the SEO to be valid.

7. All percolation and probe excavations shall be located on a referenced scaled plan drawing by the applicant within 60 days after completion.

8. The developer, applicant and Owner shall be jointly and severally responsible to protect the safety, health and welfare of all individuals relative to conducting onsite probe and percolation testing. The excavations shall be protected during testing and closed within 72 hours thereafter.

§18-107. Maintenance Agreements Required.

1. All applications for individual or community on-lot sewage disposal system (OLDS) that propose the use of the following types of sewage treatment and disposal systems shall be required to be accompanied by a maintenance agreement as follows:

	Treatment	Final Disposal
A.	Aerobic/filter/disinfection	IRSIS
B.	Aerobic/filter/disinfection	Stream discharge
C.	Aerobic/filter/disinfection	ABS soil system
D.	Bioevaporator greenhouse	None
E.	All large volume over 10,000 gal/day	All large volume over 10,000 gal/day
F.	Any experimental	Any experimental
G.	Aerobic/filter	Wetlands/stream
H.	Aerobic/filter/disinfection	Swale discharge

2. The maintenance agreement shall be prepared in a format which is acceptable for recording in the Lancaster County Recorder of Deeds Office. All maintenance agreements shall contain at a minimum the following provisions for financial assurance, monitoring, and continued sewage management as follows:

A. Inspection and testing of all installed sewage system components including final effluent sampling and analysis by a DEP certified laboratory prior to placing the system in operation.

B. Confirmation that laboratory testing complies with all DEP regulations prior to placing the system in operation.

C. Continued maintenance inspections as specified in the maintenance contract with a minimum of one per year with all costs to be paid for by the Owner.

D. A financial guarantee shall be submitted to the Township that assures that the Township has access to sufficient funds to operate, maintain, repair, or replace any component of the previously specified sewage systems in the event the individual owner or homeowners association:

(1) Fails to maintain the system or any of the system's components according to the manufacturer's specifications.

(2) Fails to service, clean, inspect, and/or pump the treatment tank(s) according to the other applicable standards of this Part.

(3) Fails to conduct testing and monitoring at least annually, or more frequently if required by the Regulations, and report the analysis to the Township.

E. The initial financial guarantee shall be in an amount not less than 50 percent of the contract price for the installation of the OLDS and all related system components.

F. Upon completion of 2 years of satisfactory monitoring by the SEO, the financial guarantee shall be reduced to 10 percent of the contract installation price, which will be held until the sewage system is abandoned.

G. Escrow monies will be returned to the applicant upon the SEO certifying that the OLDS has been closed as required by this Part and is no longer needed as a result of either installation of an alternative qualifying OLDS, connection to public sewer system, or removal of all habitable structures from the property.

H. The financial guarantee shall be forfeited by the Owner and the Township shall apply the funds to the repair, operation, and maintenance of the system when:

(1) The system is not maintained according to the standards of this Part, applicable Regulations, or the manufacturer's specification.

(2) The treatment tank(s) are not serviced, cleaned, inspected, and/or pumped according to the applicable standards of this Part.

(3) The testing and monitoring are not conducted according to the standards of the Part, applicable Regulations, or the manufacturer's specifications.

3. The specified sewage systems shall be accompanied by cash or a letter of credit of the same type and character that is required for public improvements by the Township's Subdivision and Land Development Ordinance [Chapter 22].

4. Module submissions for DEP permitted systems shall be accompanied by a financial guarantee of the same type and character that is required elsewhere in this Section.

5. The Township shall review the financial guarantee annually and retain the right to request additional funds to provide for inflation when deemed necessary.

§18-108. Permitting and Installation of OLDS.

1. Permits for OLDS shall comply with all provisions of the Regulations and with this Part, as well as any supplements or revisions or modifications thereto. A permit shall be obtained from the SEO prior to conducting any alteration, construction, or repair to any sewage system within the Township regardless of lot size or configuration. The Township shall retain final authority for the conditions and issuance of OLDS permits.

2. All OLDS shall provide at a minimum the following, in addition to the standard items required by the Regulations:

A. Cleanouts at the end of laterals with a removable plug for all pressurized systems.

B. All piping from the treatment tank to the absorption area shall have a minimum thickness of Sch. 40 PVC.

C. Where a distribution box is used, a cleanout shall be provided at the inlet of the "d-box" to identify location, installed with a watertight cap to an elevation not to exceed 3/4 inch above final grade.

D. Where a manifold is used for gravity distribution, at least one cleanout must be provided in seepage bed piping, to identify location, and check ponding, installed with watertight cap above final grade.

§18-109. Community Systems.

1. Privately-owned community sewage disposal systems are subject to the same requirements of this Part as individual OLDS. In addition, the following shall be applicable to community systems:

A. Inspection of the community sewage system by the SEO or by a sewage enforcement officer certified by DEP on a bi-monthly basis. If the inspection is performed by a sewage enforcement officer other than the SEO, the Owner shall submit the inspection report prepared and signed by the sewage enforcement officer to the Township within one month after the date of inspection of the community sewage system. All laboratory analyses required to be submitted by DEP or DEP's regulations shall also be submitted simultaneously to the Township to be reviewed as appropriate by the SEO or his designee.

B. Removal of septage or sludge in accordance with DEP regulations and manufacturer specifications.

C. Maintenance of surface contouring and other measures consistent with DEP regulations to divert storm water away from the treatment facilities and absorption areas and to protect the absorption areas from physical damage.

D. Following all operation and maintenance recommendations of the manufac-

turer of the community sewage system.

E. Requiring that all users of the community sewage system discharge only domestic sanitary sewage into the community sewage system. The Owner of the community sewage system shall inform all users of the community sewage system that the types of waste described in §18-108 shall not be permitted to be discharged.

§18-110. Construction Observation.

1. All OLDS shall have construction observations by the SEO during performance of the various tasks as follows or as may be amended from time to time by resolution of the Board:

A. Elevated Sand Mound Systems.

- (1) Chisel plow/scarification of soil surface.
- (2) Sand placement.
- (3) Stone and pipe placement, including pressure test.
- (4) Final grade and seeding.

B. Alternate At-Grade Bed Systems.

- (1) Chisel plow/scarification of soil surface.
- (2) Stone and pipe placement, including pressure test.
- (3) Final grade and seeding

C. In-Ground Systems.

- (1) Excavation of bed or trenches including scarification of same.
- (2) Stone and pipe placement, including pressure test, if applicable.
- (3) Final grade and seeding.

D. Drip-Irrigation Systems (will include, but not be limited to):

- (1) Pre-construction meeting with contractor to review lateral layout and system components.
- (2) Laterals, upon installation and system components prior to cover.
- (3) Activation of system.

2. All specified OLDS construction observations shall permit visual review of all sewer system components prior to placing soil cover.

3. Any sewage system component covered without review and observations by the SEO will be required to be opened for examination prior to approval.

4. Construction observation requests should be received by the SEO two working days prior to requiring same. All OLDS shall require inspection regardless of time of inspection request.

5. No structure may be occupied nor any land placed in use where an OLDS is utilized without the sewage system being approved by the SEO.

6. The Code Enforcement Officer or authorized person of the Township shall not issue a demolition permit for any building that is served by an OLDS without first receiving written notice from the SEO that the OLDS has been properly abandoned.

7. Owners wishing to abandon an existing OLDS must first contact the SEO for instructions and/or standards for the proper abandonment of said OLDS. The Owner shall be responsible to pay the necessary fees incurred for a minimum of one compliance inspection in accordance with the current municipal fee schedule. Such standard and/or fees and/or the minimum requirements as set forth below may be amended from time to time by resolution of the Board. The minimum requirements for a safe abandonment of OLDS include the following:

- A. Pumping tanks.
- B. Fill or collapse tank with sand, stone aggregate or flowable concrete.
- C. Cap all piping subsurface and cut and cap all surface piping below grade.
- D. Disconnect electrical component.
- E. Restore disturbed surfaces to original condition.

8. The Uniform Construction Code [Chapter 5, Part 1] requires the Construction Code Official to inspect the building sewer. Owner shall contact the Township prior to installation for requirements.

§18-111. Isolation Distances.

The following minimum horizontal distances, as may be amended from time to time by resolution of the Board, shall be maintained between the named feature and the sewage absorption area pump tank, septic tanks, and/or holding tank as follows:

Named Feature	HT, ST, PT, TP	In-Ground, Sand Mound or At-Grade Absorption Area	Drip Irrigation Absorption Area	IRIS Field
Water supply well	50 feet	100 feet	102 feet	100 feet
Driveway	10 feet	10 feet	12 feet	25 feet

Named Feature	HT, ST, PT, TP	In-Ground, Sand Mound or At-Grade Absorption Area	Drip Irrigation Absorption Area	IRSIS Field
Pools	10 feet	10 feet	12 feet	100 feet
Occupied building	10 feet	10 feet	12 feet	100 feet
Cistern	25 feet	25 feet	27 feet	25 feet
Water suction line	50 feet	100 feet	102 feet	100 feet
Water supply line under pressure	10 feet	10 feet	12 feet	10 feet
Stormwater infiltration system	50 feet	50 feet	50 feet	0 feet
Drainage swale	10 feet	10 feet	12 feet	25 feet
Stormwater pond	25 feet	50 feet	52 feet	50 feet
Stream or lake	25 feet	50 feet	52 feet	50 feet
Grading or disturbed area	0 feet	10 feet	12 feet	10 feet
Closed depression or mini hole	50 feet	100 feet	102 feet	100 feet
Slopes above 25 percent	10 feet	10 feet	10 feet	10 feet
Property lines	10 feet	10 feet	12 feet	25 feet
Unoccupied buildings	10 feet	10 feet	12 feet	25 feet
Rock out crop	10 feet	10 feet	12 feet	25 feet
*HT = Holding Tank, *ST = Sewage Tank, *PT = Pump Tank, *TP = Treatment Plant				

§18-112. Operation and Maintenance of OLDS.

1. All OLDS shall be operated by the Owner in a manner that is in full compliance with the terms of this Part, Regulations, and the OLDS permit (or as may be amended from time to time) so as to prevent unlawful discharge of sewage septage, industrial waste in, under, upon, or

into the lands or Waters of the Commonwealth.

2. Only sewage and normal domestic wastes may be discharged into any OLDS.

3. The following listed substances, which may be amended from time to time by resolution of the Board, shall not under any circumstances, be discharged into any OLDS:

- A. Industrial waste.
- B. Fats and grease; with concentrations greater than 100 mg/l.
- C. Motor oil.
- D. Hazardous wastes.
- E. Chemicals including, but not limited to:
 - (1) Pesticides and herbicides.
 - (2) Acids.
 - (3) Paint, paint thinner and solvents, including latex or water based paints.
 - (4) Wallpaper pastes and adhesives.
 - (5) Photo processing chemicals.
- F. Down spout and/or roof drain discharges.
- G. Sump pump and basement drain discharges.

4. The Township may require the on-site pretreatment of effluents prior to their discharge to any sewage facilities owned and operated by the Township or any other entity, to assure that the effluent's chemical or biological constituents are compatible with the renovative methods employed by the receiving facilities.

5. No Owner or occupier shall block or interfere with the area around the OLDS so as to deny, impede or prohibit convenient access for inspection, maintenance, and pumping, nor shall any such person divert surface water and downspouts onto or toward the absorption area and system components of such OLDS.

6. Every aerobic or septic treatment tank shall be pumped out every three years or more frequently for smaller nonconforming tanks.

7. When an OLDS treatment tank is pumped out, all dosing tanks lift tanks, and other tanks associated with the OLDS shall also be pumped out.

8. The SEO may require additional maintenance activities including, but not limited to, cleaning or unclogging of piping, servicing or repair of electrical or mechanical equipment, lev-

eling of distribution boxes, tanks and lines, removal of obstructing roots or trees, and diversion of surface water away from soil absorption areas and such other maintenance activities as the SEO may deem reasonably necessary to prevent a malfunction of an OLDS.

§18-113. Maintenance Districts for Individual OLDS Created.

1. The Township is hereby divided into three maintenance districts for individual OLDS identified as District 1, District 2 and District 3 as shown in the Township Official Sewage Facilities Plan.

2. Every individual OLDS in a respective District shall be inspected and pumped in accordance with the provisions of this Part at least one time prior to the following dates:

District 1 June 30, 2019

District 2 June 30, 2020

District 3 June 30, 2021

Notwithstanding the immediately preceding sentence, if an Owner within District 1 had his/her OLDS pumped within one (1) year immediately prior to the date of adoption of this Part, and acceptable written proof of such pumping is submitted to the Township on or before the date initial OLDS inspection and pumping of that OLDS is otherwise required pursuant to the provisions of this Part.

3. It is the responsibility of the Owner to insure that the OLDS is inspected and septage is removed from the tank of the OLDS in accordance with the requirements of this Section. No person other than a septage hauler shall be permitted to remove septage from the tank of an OLDS or to otherwise dispose of any septage or any other substance within an OLDS.

4. The Owner shall obtain an inspection of the OLDS each time the OLDS is maintained, each time that a malfunction of the OLDS is reported to the Township, and as may otherwise be necessary to insure proper function on the OLDS. The person performing the inspection shall complete a manifest and shall provide a copy of the manifest to the Township and to the Owner of the property on which the OLDS is located. Each inspection manifest shall include all of the following information:

- A. Name and address of Owner of property on which OLDS is located.
- B. Address of property where OLDS is located if different from address of the Owner.
- C. Identity of person performing inspection including, if applicable, Sewage Enforcement Officer certification number.
- D. Date of inspection and/or maintenance.

E. Date of prior inspection and/or maintenance (if known).

F. Description and diagram of the location of the treatment tank, risers (if available), and access hatches, pump tanks, filters, and similar facilities with distances relative to two fixed landmarks.

G. Size of tank.

H. Age of OLDS (if known).

I. Presence and conditions of baffles in all tanks and all compartments.

J. If applicable, list of maintenance performed at time of inspection including amount of septage, sludge or other material removed.

K. Statement of whether any malfunction was observed and, if so, description of malfunction.

L. DEP Permit Number and site name for destination of septage removed, if applicable.

M. Septage hauler truck operator name.

N. Signature of person performing inspection.

5. After the initial inspection and pumping, all tanks in all OLDS shall be inspected at a minimum regular interval of once every three (3) years from the year of either the initial inspection and pumping or a subsequent inspection or pumping. If the inspection demonstrates that the treatment tank is filled with solids (sludge and/or scum) in excess of 25% of the liquid depth of the tank, the tank shall be pumped.

6. Owners may choose to have their OLDS inspected and tanks pumped out more frequently than required by this Part. .

7. In the event the Township shall not have received a copy of the required manifest for any property by the expiration of the inspection/pumping period applicable to that property, the Township shall provide written notification of that fact by mail to the Owner at the address of the Owner as set forth in the Lancaster County real estate tax assessment records, and request the Owner to provide a copy of the required manifest to the Township within thirty (30) days of the date of such notice. Failure of the Owner to provide a copy of the required manifest to the Township within thirty (30) days of the date of such notice shall constitute a violation of this Part.

§18-114. Reporting of Malfunctioning OLDS.

Any person who owns a lot upon which an OLDS is installed, any person who occupies a lot upon which an OLDS is installed, any person who owns a community sewage system, and any

septage hauler pumping out or otherwise maintaining an OLDS shall report any malfunctioning of such OLDS to the Township. Such report shall be made as soon as possible but in no case later than three (3) days after discovery of the malfunction.

§18-115. Rehabilitation of Failing or Malfunctioning OLDS.

1. In the event an Owner, developer, or other occupier detects conditions that indicate or could reasonably be interpreted to indicate an OLDS is failing or malfunctioning, such person shall contact the SEO and, if the SEO upon inspection determines that a repair or replacement is necessary, the Owner, developer or occupier shall apply for a permit to repair or replace the failing or malfunctioning system, and upon issuance shall complete the required repair or replacement. The SEO shall conduct such inspections as are required by this Part, including a final inspection prior to placement of ground cover, and before use of such OLDS shall commence, the SEO must certify its compliance with this Part.

A. Owners who disclose to the SEO the presence of a failure or malfunction upon their lands shall not receive a fine, not be subject to the issuance of a cease and desist order or injunction prohibiting the use of the system, provided that the Owner proceeds with reasonable diligence to repair the system.

B. If an Owner who has voluntarily disclosed the presence of a failing or malfunctioning OLDS fails to proceed diligently toward correction of the malfunction or to complete the voluntary repairs required within the time requirements provided hereinafter, the Township may exercise the following remedies: issue a cease and desist order barring occupancy of any structure serviced by the OLDS pending completion of repairs; issue a cease and desist order prohibiting continued use of the malfunctioning OLDS; pursue criminal charges; or seek all or any of the foregoing or such other relief as it may deem necessary to compel the repair or replacement of malfunction as may be necessary.

2. The SEO shall have the authority to administer and enforce the requirements of this Part, by, but not limited to, seeking injunctive relief, ordering the repair or replacement of any failing or malfunctioning OLDS or other type sewage disposal system by way of a cease and desist order, so as to bring it into compliance with this Part and also by pursuing civil fines or seeking criminal penalties. Further, the SEO shall have the authority to issue cease and desist orders prohibiting the use or occupancy of any structure serviced by a failing or malfunctioning OLDS or other type sewage disposal system.

3. Repair or replacement of a failing or malfunctioning OLDS as ordered by the SEO shall commence construction within 30 days of issuance of said order and shall be completed within 60 days unless seasonal conditions mandate a longer period, in which case the SEO will set the extended completion date. If construction is not commenced or completed within the allotted time period, the SEO shall file the proper legal proceedings as provided in §18-118 and 18-119.

4. Upon written notice from the SEO that an imminent health hazard exists due to failure of an Owner to properly operate, maintain, repair, or replace an OLDS as provided under the terms of this Part, the Board shall have the authority to perform, or contract to have performed,

any repairs as may be directed by the SEO to abate the health hazard in which event the owner shall be solely responsible for all costs and expenses incurred in securing such repair or replacement services, including legal, engineering, and advertising costs.

5. The costs for the actual repair, repair permit, and site investigations in support of the permit shall be borne by the Owner.

6. The Township may take whatever action necessary to recover those costs in accordance with the law, including filing a lien against the property.

§18-116. Revocation.

Any permit issue by the Board shall, at the request of the SEO, be revoked by the Board if the SEO shall believe that revocation is required in order to protect the public health and safety, if any misrepresentation or misstatement by the applicant is discovered in the application or if the permit was issued in error. Upon receipt of such notice of revocation, all construction pursuant to such challenged permit shall immediately be halted. However, the holder of the permit revoked as aforesaid shall be granted permission to appeal the revocation, provided such appeal is filed no later than 30 days after receipt of the notice.

§18-117. Service of Notice.

Service of any notice, cease and desist order, or notice of revocation issued pursuant to the terms and conditions of this Part shall be made by any of the following methods:

1. Personal service.

2. Posting of such notice on the property in question at a conspicuous location, in such a manner as would comply with posting of notices of zoning applications under the Municipalities Planning Code, 53 P.S. §10101 et seq.

3. Certified mail, return receipt requested, addressee only.

In the event that service is made by posting, such notice shall be deemed received by the Owner or other occupier on the date that the notice is posted on the property. In the event that service is made by personal service or certified mail, the date of service shall be deemed to be the date of receipt or the signing of the return receipt card, whichever is applicable.

§18-118. Violations and Penalties.

1. It shall be a violation of this Part to commit or permit any other person to commit any of the following acts:

A. To install, repair, modify or alter an OLDS or a community sewage system prior to obtaining a permit or in a manner which violates the terms and conditions of any permit.

B. To misuse or fail to maintain an OLDS or a community sewage system.

C. To fail to report a malfunctioning OLDS or community sewage system.

D. To fail to remedy a malfunctioning OLDS or community sewage system.

E. To construct any improvements upon, grade, or take any other action which will render a replacement location unsuitable for installation of an OLDS or community sewage system unless the SEO has approved an alternate replacement location in accordance with §§18-105.

F. To place false information on or omit relevant information from an application for a permit.

G. To occupy or permit the occupancy of any structure served by an OLDS for which a valid permit has not been obtained as required by this Part.

H. To occupy or permit the occupancy of any structure served by a community sewage system for which a valid permit has not been obtained as required by this Part.

I. To fail to comply with any other provision of this Part.

2. Any person who violates or permits the violation of any provision of this Part; or who shall use, maintain or alter an OLDS or community sewage system in violation of any permit issued by the SEO; or who shall fail to remedy or who shall negligently or improperly remedy any health hazard; or who shall fail to completely implement a plan to remedy a health hazard which has been reviewed and approved by the SEO shall be liable upon summary conviction therefor to fines and penalties of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) plus all costs of prosecution, which fines and penalties may be collected as provided by law. All fines and penalties collected for violation of this Part shall be paid over to the Township Treasurer. Each day that a violation continues and each section of this Part which is violated constitutes a separate violation.

§18-119. Remedies.

In case any improvement is constructed or any lot maintained in violation of this Part, or any OLDS or community sewage system is installed, repaired, altered or modified prior to obtaining a permit as required by this Part or in a manner which does not comply with such permit, or any OLDS or community sewage system is not properly maintained or the malfunction of any OLDS or community sewage system is not reported to the Township, in addition to the other remedies provided by law, the Township may commence any appropriate action or proceedings in equity to prevent such unlawful construction of improvements or such unlawful maintenance of such lot or the continued use of such OLDS or community sewage system.

§18-120. Declaration of Nuisance.

The following activities are hereby declared to be nuisances:

1. Construction of improvements on the Replacement Area. Such construction renders the Replacement Area useless and therefore jeopardizes the water quality and other natural re-

sources of the Township. This harm to the water quality and other natural resources of the Township is a danger to the health, safety and welfare of the residents of the Township and is hereby declared to be a nuisance and abatable as such in accordance with the provisions of the Second Class Township Code.

2. Installation, alteration or modification of an OLDS or community sewage system without having obtained a permit as required by this Part and the Regulations, or, if a permit was obtained, in a manner which violates the terms of the permit.

3. Failure to maintain an OLDS or community sewage system as required by this Part.

All of these actions result in pollution of the Waters of the Commonwealth and other natural resources of the Township and constitute a danger to the health, safety and welfare of Township residents. The actual expenses of the Township in the abatement of such nuisances plus a penalty in the amount of twenty-five (25%) percent of such expenses shall be filed as a municipal claim against the property

§18-121. Waiver of Liability.

Although this Part is intended to provide guidelines for the installation and maintenance of OLDS and community sewage systems and the identification and maintenance of a replacement location for OLDS, nothing contained herein shall be interpreted as a guarantee or warranty to applicants or other Township residents that systems installed under the provisions of this Part will function as intended. The Township assumes no responsibility for the location and/or maintenance of OLDS or community sewage systems within the Township.

§18-122. Right of Entry; Easement.

1. All permits for the installation of an OLDS shall be conditioned upon the inclusion of language in an easement document accompanying the sewage permit application establishing a grant of right of entry by the Owner, his heirs, successors, and assigns to the Township for the limited purpose of inspecting, maintaining, sampling, testing, evaluating, or repairing the on-lot system described in the application and permit. The easement document provided to the Township shall be recorded at the Recorder of Deeds Office for Lancaster County at the permittee's expense. The right to enter shall include the right to excavate any part of the property or to sample soil water or septage. Upon completion of the activity requiring excavation, the SEO shall return the land to its former condition, or as close to same as is reasonably possible as soon as reasonably possible.

2. The grant of right of entry cannot be revoked, suspended, or discontinued by the present or any future Owner.

3. Any person requesting a permit, as the applicant, on behalf of himself/herself, his/her successors and assigns, irrevocably grants permission to the Township's SEO and other agents of the Township to enter the property for the purpose of inspection, construction, operation, and to supervise or make necessary repairs to the OLDS.

4. In the event that the OLDS is abandoned and not replaced by another OLDS, and all

sewage is collected and treated at a site not on the lot, the Township shall abandon the easement and right of entry which shall then cease.

§18-123. Applicability.

1. The Owner of any property serviced by OLDS shall be subject to all the requirements contained herein.

2. If the Owner does not reside on the property in question or within a building on said property, she/he remains responsible for compliance with this Part.

3. The Owner of any building serviced by an OLDS within the Township shall become subject to all of the requirements contained herein, upon the occurrence of one of the following:

A. Receipt of a sewage permit from the SEO for the installation or rehabilitation of an OLDS.

B. Transfer of ownership of the building.

C. Malfunctioning of the OLDS.

D. In the case of an existing building or system, upon the passing of this Part.

§18-124. Fees.

The Board may, by resolution, establish a fee schedule and collect fees to cover the Township's actual costs of administering this Part.

§18-125. Appeals.

1. Appeals from decisions of the Township appointed SEO shall be made to the Township Secretary in writing within 30 days from the date of the decision issued in writing by the SEO.

2. The appellant shall be entitled to a hearing before the Board at its next regularly scheduled meeting if made at least 14 days prior to the meeting. If made within 14 days of the next Board meeting, the appeal shall be heard at a subsequent meeting. The Board shall thereafter either affirm the SEO's decision or reverse, modify or add reasonable conditions to the SEO's decision. Additional evidence may be presented at the hearing, provided it is submitted with the written notice of the appeal.

3. The Board shall render its decision within 30 days of the date of the hearing.

Section 2. The Code of Ordinances of the Township of West Cocalico, Chapter 18, Sewers and Sewage Disposal, shall be amended to add a new Part 4, Holding Tanks, which shall provide as follows:

Part 4
Holding Tanks

§18-401. Short Title.

This Part shall be known as and may be cited as the West Cocalico Township Holding Tank Ordinance.

§18-402. Purposes.

The purpose of this Part is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage, whether from residential or commercial uses, and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Township of West Cocalico. The regulations of this Part are in addition to, and not in limitation of, any regulations applicable to holding tanks in Part 1 of this Chapter.

§18-403. Definitions.

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

Applicant – any person who filed an application with the Township for approval to install a holding tank.

Board of Supervisors – the Board of Supervisors of the Township of West Cocalico, Lancaster County, Pennsylvania, or any person designated by the Board of Supervisors to perform such duties.

DEP – the Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

Holding Tank – a tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.

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.

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

Person – any individual, partnership, company, association, corporation, trust, or other group or entity.

Sewage – any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance

being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under The Clean Streams Law, 35 P.S. §691.1 et seq.

Sewage Enforcement Officer or SEO – the Sewage Enforcement Officer of the Township.

Township – the Township of West Cocalico, Lancaster County, Pennsylvania. The term Township shall be interpreted to include a contractor or other designee of the Township.

Water Under Pressure – water service provided to an improved property by means of a system of plumbing or piping with the water being supplied by a public water system, private well, or private spring.

§18-404. Exclusive Rights and Privileges Granted.

The Board of Supervisors is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal, and sewage collection and transportation thereof. The collection and transportation of all sewage from any holding tank shall be done solely by or under the direction and control of the Board of Supervisors, and the disposal thereof shall be made only at such site or sites as may be approved by the Department.

§18-405. Rules, Regulations and Agreements.

1. The Board of Supervisors is hereby authorized and empowered to adopt by resolution such rules and regulations concerning sewage and to enter into such agreements as it may deem necessary from time to time to effect the purposes herein.

2. All such rules and regulations adopted by the Board of Supervisors shall be in conformity with the provisions herein, all other Ordinances of the Township, all other applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

3. The Board of Supervisors hereby adopts the regulations of DEP found in Title 25, Chapters 71 and 73, of the Pennsylvania Code governing retaining tanks as the regulations governing the design, installation, and use of holding tanks within the Township.

§18-406. Rates and Charges.

The Board of Supervisors shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges relating to the use and maintenance of holding tanks at reasonable and uniform rates as authorized by applicable law by resolution.

§18-407. Conditions of Holding Tank Use.

All applicants who desire to install a holding tank shall meet all of the following requirements:

1. The record Owner of the lot on which the holding tank is to be installed and, if different, the applicant, shall enter into an agreement with the Township, in recordable form, providing

for the long-term maintenance of the holding tank which grants the Township the right to enter upon the property; to inspect such holding tank not less than once each year and, in addition, whenever the Township receives a complaint or otherwise has reason to believe that such holding tank is not functioning properly; to maintain the holding tank if the Owner fails to do so; and to recover the cost of any maintenance performed plus a penalty of twenty-five (25%) percent of such cost from the landowner. The agreement shall specifically authorize the Township to file a municipal claim against the property to recover costs, penalties and fees and shall specifically state that its provisions are binding upon the Owner executing the agreement and upon all successive owners of the property until the holding tank is removed and the improved property is either connected to a public sewer system owned and operated by a governmental entity if water under pressure currently exists on the improved property or connected to an on-lot sewage disposal system if water under pressure is not currently available on the improved property.

2. The applicant shall post financial security with the Township to secure the future maintenance of the holding tank and payment of costs of annual inspection of such system. The amount of the financial security shall be based upon the estimated cost to maintain the particular holding tank chosen by the applicant. The financial security shall be posted through an irrevocable letter of credit in a form acceptable to the Township Solicitor or in a cash escrow which the Township shall maintain in a non-interest bearing account. The Township shall not release such financial security until one or more of the following conditions occur:

A. The Owner provides the Township with acceptable alternative financial security.

B. If the holding tank serves an improved property which was provided with water under pressure at the time of holding tank installation, the Owner removes the holding tank, and the improved property is connected to a public sewer system owned and operated by a governmental entity.

C. If the holding tank serves an improved property which did not have water under pressure at the time of holding tank installation, the Owner installs water under pressure, removes the holding tank, and connects the improved property to an approved on-lot sewage disposal system.

D. If the Owner removes a holding tank from land which is not an improved property (i.e. removes a holding tank installed on a temporary basis to serve a public gathering, construction site, etc.).

3. The applicant shall demonstrate to the Township that the proposed holding tank meets all applicable Department regulations and that the applicant has obtained all necessary approvals and permits.

4. If water under pressure is not presently available on the improved property, the applicant shall show that site and soil suitability testing of the lot has been conducted by the Sewage Enforcement Officer and that the site meets the requirements of Title 25, Chapter 73, Standards for On Lot Sewage Treatment Facilities, of the Pennsylvania Code, for the ultimate sewage disposal by an approved on-lot system if water under pressure or piped waste water becomes avail-

able to the improved property. At such time that water under pressure becomes available, the owner shall remove the holding tank and replace the holding tank with an approved on-lot system.

5. The conditions described in §18-407.4 above do not apply:

A. To a holding tank to be used on an isolated lot which is one acre or larger and is not nor will not be served by water under pressure in the future.

B. To temporary use of portable retention tanks where their use is proposed at construction sites or at the site of public gatherings and entertainment.

C. To such other temporary or permanent uses of holding tanks as may be authorized by the Department.

6. Special conditions for holding tanks shall be incorporated in the permit application and permit for the proposed use of a holding tank.

7. The applicant shall reimburse the Township for all costs incurred in the preparation of the agreement and its recording.

8. The Owner shall pay all costs associated with the yearly inspection of the holding tank.

§18-408. Duties of Improved Property Owner.

The Owner of an improved property that utilizes a holding tank shall:

1. Maintain the holding tank in conformance with this or any Part of this Township, the provisions of any applicable law, and the rules and regulations of the Township and any administrative agency of the Commonwealth of Pennsylvania, including but not limited to Section 71.63 and Section 73.61 et seq. of the Department's regulations.

A. Proof of Maintenance. Each time that a holding tank is pumped out or emptied, the private sewage waste hauler who performs the service shall provide to the owner a signed receipt and shall retain a signed receipt containing the following information:

(1) Date of pumping out.

(2) Name and address of owner.

(3) Description and diagram of location of holding tank, including location of any markers and/or access hatches (if known).

(4) Size of holding tank.

(5) Age of the holding tank (if known).

(6) Last date of pump out (if known).

(7) Any maintenance performed in connection with pumping out of the holding tank.

(8) Any indication of system malfunction observed.

(9) Amount of sewage, septage or other solid or semi-solid material removed.

(10) Cost of service.

(11) Waste hauler's state license number permitting him to collect and haul septage in this Commonwealth.

The Owner and the waste hauler shall provide the receipt to authorized officials of the Township. The receipt shall serve as proof of compliance with the maintenance requirements of this Part. Failure to provide a copy of the receipt within 30 days after the holding tank is pumped out or emptied shall constitute a violation of this Part. The Township is designated in accordance with the Department's regulations as the administrative agency to receive, review and retain pumping receipts from permitted holding tanks.

B. Inspections. Annually or where any agreement entered into between the Township and the Owner or a predecessor in title of the Owner requires more frequent inspections of a holding tank, the owner shall permit the SEO to enter upon the improved property to conduct the required inspection. The SEO shall conduct inspections of all permitted holding tanks at least annually and complete a written inspection report which shall be submitted to and be retained by the Township. The Owner shall pay all fees associated with all required inspections.

2. If public sewer service becomes available to the improved property, abandon the holding tank consistent with applicable public health and environmental standards.

3. Permit the Township to enter upon lands to inspect the holding tank for proper operation, maintenance and contents disposal.

§18-409. Malfunctioning Holding Tank.

The Owner of a lot upon which a holding tank is installed, any person who occupies a lot upon which a holding tank is installed, any person who owns a holding tank, and any waste hauler pumping out or otherwise maintaining a holding tank shall report any malfunctioning of a holding tank to the Township. Such report shall be made as soon as possible but in no case later than three days after discovery of the malfunction.

§18-410. Violations and Penalties.

1. It shall be a violation of this Part to commit or permit any other person to commit any of the following acts:

- A. To install, repair, modify or alter a holding tank prior to obtaining a permit or in a manner which violates the terms and conditions of any permit.
- B. To misuse or to fail to maintain a holding tank or to fail to provide reports of maintenance as required by this Part.
- C. To fail to have the holding tank inspected as required by this Part or to fail to permit the SEO to inspect the holding tank.
- D. To fail to report a malfunctioning holding tank.
- E. To fail to remedy a malfunctioning holding tank.
- F. To place false information on or omit relevant information from an application for a permit or from a report of inspection or maintenance of a holding tank.
- G. To occupy or permit the occupancy of any structure served by a holding tank for which a valid permit has not been obtained as required by this Part.
- H. To fail to comply with any other provision of this Part.
- I. To fail to comply with any duly adopted regulation of the Township.

2. Any person who shall violate a provision of this Part or who shall fail to comply with any of the requirements thereof or who shall permit the violation of this Part or who shall use or occupy or permit the use or occupancy of any building or structure which is served by a holding tank which has not been installed or maintained in accordance with the requirements of this Part, shall, upon being found guilty in an enforcement proceeding commenced by the Township, pay a fine of not less than two hundred (\$200.00) dollars and not more than one thousand (\$1,000.00) dollars for each violation plus all costs of prosecution, which fines and costs may be collected as provided by law. Each day that a violation continues shall be deemed a separate offense, and each Section of this Part which is violated shall be deemed a separate offense.

§18-411. Abatement of Nuisances.

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

Section 3. All other sections, parts and provisions of the Code of Ordinances of the Township of West Cocalico shall remain in full force and effect as previously enacted and amended.

Section 4. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 5. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of West Cocalico as provided by law.

DULY ORDAINED AND ENACTED this _____ day of _____, 2018, by the Board of Supervisors of the Township of West Cocalico, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEST COCALICO
Lancaster County, Pennsylvania

Attest: _____
(Assistant) Secretary

By: _____
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

