

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.

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. Short Title.

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

§18-102. Legislative Intent.

The Board of Supervisors recognizes that individual on-lot sewage disposal systems constitute a valid and approved manner of conserving the quality of the water and other natural resources of the Township through proper treatment of wastes generated by development within the Township. The use of OLDS must be regulated in accordance with the regulations promulgated by the Department of Environmental Protection which pertain to the location and permitted types of OLDS. In addition, the Township has determined that should an OLDS fail, the water quality and other natural resources of the Township may be polluted. It is especially of concern to the Board that such pollution may occur when an OLDS fails and there is no suitable area on the lot for the installation of a replacement system. Therefore, in order to protect the water quality and other natural resources of the Township, thereby protecting the health and welfare of residents and visitors, the Board desires to require that all landowners provide and set aside areas for the installation of replacement OLDS.

It is the further intent of the Board to insure that OLDS are properly maintained. Failure to maintain an OLDS results in malfunctions which in turn results in the pollution of the water quality and other natural resources of the Township. OLDS must be pumped out on a regular basis, and it is the responsibility of all landowners to insure such maintenance is performed.

The Board also desires to provide for the proper maintenance of the community systems which have been installed in the Township. Proper maintenance of community sewage systems is essential to preserve and protect the health and welfare of Township residents and to preserve and protect the environment.

§18-103. Adoption of Standards by Reference.

A certain document, three (3) copies of which have been and are presently on file in the office of the Secretary of the Township of West Cocalico, being marked and designated as Chapters 71, 72, and 73 of Title 25 of the Pennsylvania Code, being promulgated by the DEP, be and are hereby adopted as the sewage permit application and installation procedure of the Township and each and all of the regulations contained in the said Chapters are hereby adopted by the Township except as modified by this Part. It is the intent of the Board to adopt all subsequent amendments and revisions to the said Chapters as permitted by law and in accordance with the provisions of 1 Pa. C.S. §1937(a). If such an intent is found invalid by a court of competent jurisdiction, it is the intent of the Board to adopt the said Chapters as they existed on the effective date of this Part.

§18-104. Word Usage and Definitions.

1. Word Usage. In the interpretation of this Part, the singular shall include the plural, and the masculine shall include the feminine and the neuter.
2. Definitions. All words and phrases not otherwise defined herein shall have the meaning provided in Section 2 of the Act, 35 P.S. §750.2, Section 71.1 of the DEP Regulations, 25 Pa. Code §71.1, or Section 73.1 of the DEP Regulations, 25 Pa. Code §73.1, or the MPC.

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 the Township.

COMMUNITY SEWAGE SYSTEM - Any system, whether 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 the sewage or industrial waste on one or more of the lots or at any other site and which shall comply with all applicable DEP regulations. Notwithstanding the foregoing, the sewage collection, transmission and treatment systems of the Public Sewer Service Providers shall not be considered community sewage systems for the purposes of this Part.

DEP - The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

DEVELOPER - Any person who files a planning module for land development with the Township; or who files an application for approval of a subdivision or land development plan proposing the subdivision or development of land within the Township; or who makes application for a permit; or who makes an application for a zoning permit under the Township Zoning Ordinance; or who installs, repairs, modifies, or alters an OLDS or community sewage system serving properties within this Township other than a governmental entity.

INDIVIDUAL ON-LOT SEWAGE DISPOSAL SYSTEM (OLDS) - Any system of piping, tanks, or other facilities serving on a single lot and collecting and disposing of sewage in whole or in part into the soil and any waters of the Commonwealth of Pennsylvania and which is located upon the lot which it serves. The term also includes an OLDS which meets the definition of a non-standard system.

LAND DEVELOPMENT - A land development as defined in the MPC.

LCPC - The Lancaster County Planning Commission.

LCSWMA - The Lancaster County Solid Waste Management Authority.

LOT - A parcel of land used or intended to be used as a building site or a separate parcel to be created as a result of approval of a subdivision or land development application or a condominium unit. The term lot shall include parcels equal to or greater than ten (10) acres in size where the lot may be occupied by one or more persons or families.

MALFUNCTION - The condition which occurs when an OLDS or community sewage disposal discharges sewage onto the surface of the ground, into ground waters of the Commonwealth, into surface waters of the Commonwealth, backs up into the building connected to the OLDS or community sewage disposal 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. An OLDS or community sewage disposal system shall be considered to be malfunctioning if any of the conditions set forth in this paragraph occur for any length of time during any period of the year.

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 §18-116.2 of this Part.

MPC - The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. §10101 et seq.

NON-STANDARD SYSTEM - An OLDS which has any equipment which is not commonly found on OLDS within Lancaster County or an OLDS which has been modified to address groundwater contamination or other environmental issues or any OLDS which

requires additional approvals from the DEP or a modification or amendment to the Township's Official Plan.

OFFICIAL PLAN - A comprehensive plan for the provision of adequate sewage disposal systems adopted by the Township and approved by the DEP in accordance with the Act and with applicable DEP regulations.

OLDS - An individual on-lot sewage disposal system.

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.

PERMIT, INSTALLATION - A permit issued by the SEO after the performance of tests to determine suitability to authorize the initial installation of an OLDS or the repair, replacement or enlargement of an existing OLDS.

PERSON - Any individual, association, partnership, public or private corporation whether for profit or not-for-profit, trust, 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 penalty 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 and the officers of any public or private corporation, whether for profit or not-for-profit.

PLANNING MODULE FOR LAND DEVELOPMENT - A revision to the Township Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with DEP regulations.

PLANNING COMMISSION - The Township Planning Commission.

PUBLIC SEWER SERVICE PROVIDER - West Cocalico Township Authority or any other political subdivision or municipal authority which provides or may in the future provide public sewer service within the Township.

REPLACEMENT LOCATION - A location designated as the future location of an OLDS that shall be installed should the OLDS installed or to be installed fail or otherwise become inoperable and which shall meet all DEP regulations and all applicable Township ordinances for an OLDS.

SEO - The Sewage Enforcement Officer of the Township.

SEPTAGE HAULER - Any person licensed by the LCSWMA, DEP, or other governmental agency to remove septage or other solids from treatment tanks of OLDS or community sewage disposal systems, holding tanks, privies, aerobic tanks, cesspools, or any other sewage disposal facility within the Township.

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 animals or aquatic life or to the use of water for domestic water supply or for recreation or which constitutes pollution under The Clean Streams Law.

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

SUBDIVISION - A subdivision as defined by the MPC.

THE CLEAN STREAMS LAW - Act of June 22, 1937, P.L. 1987, No. 394, as amended, 35 P.S. §691.1 et seq.

TOWNSHIP - The Township of West Cocalico, Lancaster County, Pennsylvania.

§18-105. Procedure for Review of Planning Modules for Land Development and Subdivision/Land Development Plans.

In order to insure compliance with the Official Plan, all persons who request approval of planning modules for land development or who request the review of subdivision plans, and land development plans providing for sewage disposal proposing sewage disposal by means of OLDS or community sewage systems shall submit the following information to the Township for review in accordance with the following requirements:

1. The developer shall submit the information required by §18-105 and §18-106 of this Part to the Township with the planning module for land development or with the preliminary subdivision or land development plan, whichever the developer first submits to the Township.
2. It is the responsibility of the developer to submit the information to all other reviewing agencies, including but not limited to the LCPC, in accordance with DEP regulations. It is the responsibility of the developer to pay for the publication of any legal advertisement which may be required by DEP regulations. Failure of the developer to pay the costs of legal advertisement within fifteen (15) days after receipt of a copy of the newspaper's invoice shall render the submission incomplete.
3. The developer shall submit a written report detailing the planning and decision making steps used in the selection of the method of sewage disposal.

§18-106. Sewage Testing and Hydrogeologic Studies Required for all Proposed Lots.

1. The Township shall grant no requests for approvals of planning modules for land development and no revisions or supplements to the Official Plan unless the applicant presents to the Board evidence that each lot or lot to be created contains a suitable location for the installation of an initial OLDS except when such lots or lots to be created are to be served by a community sewage system. All tests required by the DEP and this Part for

the location of an OLDS to confirm the suitability of the location shall be performed as approved by DEP.

2. All planning modules for land development except planning modules for land development which propose sewer service by means of a Public Sewer Service Provider sewer system shall be accompanied by hydrogeologic tests performed in accordance with all applicable DEP regulations. The Township shall not approve any planning module for land development which does not contain hydrogeologic studies which demonstrate that the proposed sewage disposal facilities will not adversely affect the groundwater or that measures will be utilized, such as dispersion plume easements, which will address the impacts of the proposed sewage disposal facilities.
3. Well test results submitted with planning modules will be compared with the Official Plan well test data. If the results vary from the Official Plan well test data, the Township may require additional testing to verify any discrepancies.

§18-107. Replacement Location for On-lot Sewage Disposal Systems Required.

A Replacement Location for an OLDS shall be required for all lots or lots to be created which are not serviced or to be serviced by a community sewage system operated by a Public Sewer Service Provider. The Replacement Location shall comply with the Act and with all DEP regulations as incorporated into this Part concerning OLDS, including isolation distances, and with the terms of this Part and any other applicable Township ordinances.

§18-108. Identification of Replacement Location.

1. Each person who shall apply for a permit under Chapter 27, Zoning, or for a permit for an OLDS (other than a permit for a repair to or modification of an existing OLDS) or who shall request approval of a planning module for land development or the adoption of a revision or supplement to the Official Plan or who shall file an application for subdivision or land development approval which proposes sewage disposal by means of OLDS shall demonstrate to the satisfaction of the SEO that a suitable area exists on the lot or on each lot to be created for an initial OLDS and for the Replacement Location. All tests DEP or this Part requires for the location of an OLDS to confirm the suitability of the Replacement Location shall be performed as approved by DEP. Allowance of open land for the Replacement Location without testing performed or observed by the SEO shall not constitute compliance with the requirements of this Section.
2. The developer shall identify the location of the initial OLDS and the Replacement Location as confirmed by the SEO on the plot plans and diagrams submitted as a part of the subdivision or land development plan and as part of the permit application.
3. If the application has been submitted as a part of an application for approval or review of a planning module for land development, the developer shall identify the location of each OLDS and each Replacement Location upon the plans. If the application is for subdivision or land development approval, the developer shall include a note on the plans stating that no improvements shall be constructed upon the Replacement Location, and the deed

to each lot created as a part of the subdivision or land development shall contain language reflecting this limitation.

4. Any revisions to a permit affecting a Replacement Location which previously has been issued pursuant to the provisions of this Part shall be approved by the Board or its authorized representative. Any revisions to a subdivision or land development plan affecting a Replacement Location which has been previously approved pursuant to the provisions of this Part shall be approved by the entity with power to approve subdivision and land development plans in the Township.

§18-109. Construction of Improvements upon Replacement Location Prohibited.

No person shall construct or install any permanent or temporary improvements of any character other than the planting of trees, shrubs, or other plant matter upon the Replacement Location unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the SEO that an alternate Replacement Location which complies with all applicable DEP regulations, this Part and all other applicable Township ordinances exists upon the lot. If such an alternate Replacement Location shall be identified, the alternate Replacement Location may be considered to be the Replacement Location required by this Part and shall be designated as the Replacement Location. The newly designated Replacement Location shall thereafter be considered the Replacement Location for the purposes of this Part.

§18-110. Relief from Requirement of Designation of Replacement Location.

If any lot held in single and separate ownership on October 2, 2008, shall not contain land suitable for a Replacement Location, the applicant for a permit under Chapter 27, Zoning, or an installation permit for an OLDS may request that the Board of Supervisors grant an exception to the requirement of providing a Replacement Location. Applicants for relief under this Section shall submit a written application setting forth the information required by this Section and shall include the application fee established by resolution or ordinance of the Board of Supervisors. The applicant for such an exception shall present credible evidence to the Board demonstrating (i) that the lot was held in single and separate ownership on October 2, 2008, and continuously thereafter; (ii) the size of the lot; (iii) inability of the applicant to acquire adjacent land or the unsuitability of adjacent land which might be able to be acquired; and (iv) the testing conducted to determine that the lot is not suitable to provide a Replacement Location. At all times the burden to present credible evidence and the burden of persuasion shall be upon the applicant for an exception from the terms of this Part.

§18-111. Installation Permit Required for All Lots.

The landowner and any contractor performing work upon an OLDS shall obtain an installation permit from the SEO in accordance with the Act, DEP regulations, and this Part prior to the installation, alteration, modification, repair or replacement of any OLDS. This requirement shall apply to all lots within the Township regardless of the size of the lot and regardless of the familial relationship of the person seeking to install the OLDS to the property owner. The SEO shall not issue an installation permit for an OLDS until a suitable Replacement Location has been established or until the applicant presents the SEO with a written determination by the Board

granting relief from the designation of a Replacement Location in accordance with §18-110 or unless such permit is requested to repair a malfunction of an existing OLDS.

§18-112. Installation Permit Requirements and Procedures.

All persons who desire to install, repair, modify or alter an OLDS in the Township shall obtain an installation permit from the SEO prior to the commencement of such work. All work performed under any installation permit shall comply with the following regulations:

1. The holder of the installation permit and the contractor performing work under such installation permit shall notify the SEO at least three working days before commencing installation, repair, modification or alteration of the OLDS in order that one or more inspections in addition to the final inspection required by the DEP may be scheduled and performed by the SEO.
2. Any installation permit providing for the installation or repair of a septic tank shall require that the septic tank contain septic solid retainers of the type as specified by DEP regulations.
3. If construction or installation of the OLDS and of any building or structure for which such OLDS is to be installed has not commenced within three years after the issuance of the installation permit for such OLDS, the permit shall expire. The landowner and/or contractor shall obtain a new installation permit prior to commencement of the installation, repair, modification, replacement or alteration of the OLDS.

§18-113. Installation Permit Requirements for Non-Standard OLDS.

All persons who desire to install a non-standard OLDS in addition to all requirements of §18-111 and §18-112 shall meet all of the following requirements:

1. The record owner of the lot on which such system 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 system which grants the Township the right to enter upon the property; to inspect such system not less than once each year and, in addition, whenever the Township receives a complaint or otherwise has reason to believe that such system is not functioning properly; to maintain such system if the landowner fails to do so; and to recover the cost of any maintenance performed plus a penalty from the landowner. The agreement shall specifically authorize the Township to file a municipal claim against the property to recover costs and fees and shall specifically state that its provisions are binding upon the landowner executing the agreement and upon all successive owners of the property until the system is removed and the property is connected to a Public Sewer Service Provider sewer system.
2. The applicant shall post financial security with the Township to secure the future maintenance of the system 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 non-standard system 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 the Township is provided with alternate financial security or until the system is removed and the property is connected to a public sewer system owned and operated by a governmental entity.

3. The applicant shall demonstrate to the Township that the proposed non-standards system meets all applicable DEP regulations and that the applicant has obtained all necessary approvals and permits.
4. The applicant shall provide the Township with a complete set of as-built plans for the non-standard system after its installation.
5. The applicant shall reimburse the Township for all costs incurred in the preparation of the agreement and its recording.
6. The applicant shall pay all costs associated with the yearly inspection of the non-standard system.

§18-114. Installation Permit Requirements for Community Sewage Systems.

All landowners, developers and contractors who desire to install a community sewage system shall meet all of the following requirements:

1. The record owner of the lot on which the community sewage system 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 community sewage system which grants the Township the right to enter upon the property; to inspect such community sewage system not less than once each year and, in addition, whenever the Township receives a complaint or otherwise has reason to believe that such community sewage system is not functioning properly; to maintain such community sewage system if the owner fails to do so; and to recover the cost of any maintenance performed plus a penalty from the owner. The agreement shall specifically authorize the Township to file a municipal claim against the property served by the community sewage system to recover costs and fees and shall specifically state that its provisions are binding upon the landowner executing the agreement and upon all successive owners of the property and any lots which are served by the community sewage system until the community sewage system is removed and the property is connected to a Public Sewer Service Provider system or until a Public Sewer Service Provider assumes ownership and maintenance responsibility for the community sewage system.
2. The applicant shall post financial security with the Township to secure the future maintenance of the community sewage system 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 community sewage system 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 the Township is provided with alternate financial security or until the community sewage system is removed and the property is connected to a Public Sewer Service Provider system or until a Public Sewer Service Provider assumes ownership and maintenance responsibility for the community sewage system.

3. The applicant shall demonstrate to the Township that the proposed community sewage system meets all applicable DEP regulations and that the applicant has obtained all necessary approvals and permits.
4. The applicant shall provide the Township with a complete set of as-built plans for the community sewage system after its installation.
5. The applicant shall reimburse the Township for all costs incurred in the preparation of the agreement and its recording.
6. The applicant shall pay all costs associated with the yearly inspection of the community sewage system.

§18-115. 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. 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.
- 5. Every aerobic or septic treatment tank shall be pumped out every three years or more frequently for smaller nonconforming tanks. 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.
- 6. 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, leveling 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.

§18-116. 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.

§18-117. Proper Operation and Maintenance of Community Sewage Systems Required.

All persons who own a lot which is served by a community sewage system shall properly use such community sewage system. The owner of the community sewage system shall properly maintain the community sewage system. Proper maintenance of a community sewage system shall include at a minimum:

1. Inspection of the community sewage system by the SEO or by a DEP-certified sewage enforcement officer on a bi-monthly basis. If the inspection is performed by a sewage enforcement officer other than the SEO, the property 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 the DEP or DEP regulations shall also be submitted simultaneously to the Township to be reviewed as appropriate by the SEO or his designee.
2. Removal of septage or sludge in accordance with DEP regulations and manufacturer specifications.
3. 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.
4. Following any operation and maintenance recommendations of the manufacturer of the community sewage system.
5. 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 §18-115.3 shall not be permitted to be discharged.

§18-119. Submission of Reports to Township.

1. Each septage hauler who performs maintenance upon an OLDS within the Township, including but not limited to pumping out the OLDS, shall insure that after maintenance of an OLDS the septage hauler files a manifest with the Township for each OLDS serviced within the Township and provides the owner of the property on which the OLDS is located with a copy of the manifest.
2. The owner of a lot on which an OLDS is located is responsible to insure that the septage hauler files a copy of the manifest with the Township after maintenance of the OLDS and, in the event the septage hauler fails or refuses to do so, shall file a copy of the manifest with the Township.
3. Each person who performs maintenance upon a community sewage system within the Township shall insure that after maintenance of the community sewage system such person files a manifest with the Township for the community sewage system serviced within the Township and provides the owner of the community sewage system with a copy of the manifest.

§18-120. Transfer of Ownership.

Any person who transfers a lot containing an OLDS shall provide the new owner with all records concerning the maintenance of the OLDS and shall demonstrate compliance with this Part. Each person who transfers a lot containing a Non-Standard System shall additionally provide the new owner with all manuals and information provided by the manufacturer of the non-standard system.

§18-121. Septage Hauler Registration.

Each septage hauler which desires to operate within the Township shall register with the Township prior to commencing operations within the Township. Each septage hauler shall register annually, and each registration shall expire on the last business day of December of a calendar year.

§18-122. Reporting of Malfunctioning OLDS or Community Sewage System.

Any person who owns a lot upon which an OLDS or community sewage system is installed, any person who occupies a lot upon which an OLDS or community sewage system is installed, any person who owns a community sewage system, and any septage hauler pumping out or otherwise maintaining an OLDS or community sewage system shall report any malfunctioning of such OLDS or community sewage system 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.

§18-123. Duties of Sewage Enforcement Officer.

In addition to all other duties of the SEO set forth in this Part, the SEO shall have the power and duty to enforce the provisions of this Part and to investigate any reports of malfunctioning OLDS and community sewage system or evidence that an OLDS or community sewage system may be malfunctioning which the SEO discovers. In performing these duties the SEO shall have the following powers:

1. To conduct routine inspections of properties upon which OLDS or community sewage systems are installed as part of any administrative program the Township institutes to insure compliance with this Part. Any inspections shall be performed in accordance with all applicable statutes and constitutional provisions and shall be at the cost of the owner of the property on which the OLDS is located or the owner of the community sewage system.
2. To perform an inspection of an OLDS or community sewage system when the owner of the OLDS or community sewage system fails to have such OLDS or community sewage system maintained and/or fails to submit or insure that a septage hauler submits a manifest after such inspection and maintenance.
3. To make reports as requested by the Board regarding maintenance of OLDS and community sewage systems in the Township and to suggest actions which may be taken by the Board to insure proper maintenance.
4. To institute summary criminal proceedings to enforce this Part.
5. To consult with the Township Engineer and the Township Solicitor, as authorized by the Board, to assist in the enforcement of this Part.

§18-124. Fees and Costs.

1. Each owner of a property on which an OLDS is located and each person who owns a community sewage system shall bear all costs associated with the operation, inspection, and maintenance of such OLDS or community sewage system.
2. The owner of each property on which an OLDS is located and the owner of each community sewage system shall reimburse the Township for all costs associated with inspections of such OLDS or community sewage system the Township Sewage Enforcement Officer or any other agent of the Township performs pursuant to this Part.
3. The Board of Supervisors shall adopt fees for the issuance of permits and conduct of inspections under this Part by resolution or ordinance.

§18-125. 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 §18-108 and §18-110.
 - 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. It shall be a violation of this Part for any septage hauler to commit any of the following acts:
- A. To operate within the Township without having previously registered with the Township.
 - B. To perform maintenance of an OLDS or a community sewage system without completing a manifest and providing a copy of the manifest to the owner of the lot on which the OLDS is located or the owner of the community sewage system and to the Township.
 - C. To place any false statement on a manifest.
 - D. To dispose of materials removed from an OLDS or community sewage system in any manner which violates DEP or LCSWMA regulations or applicable laws.
3. 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.

§18-126. 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.

§18-127. Declaration of Nuisance.

The following activities are hereby declared to be nuisances:

1. Construction of improvements on the Replacement Location. Such construction renders the Replacement Location useless and therefore jeopardizes the water quality and other natural resources 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 DEP 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.

§18-128. 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.

§18-129. Appeals.

Appeals from any action of the SEO under this Part shall be made in writing to the Board of Supervisors within fifteen (15) days from the date of the written determination of the SEO. All appeals shall be accompanied by the appeal fee established by resolution or ordinance of the Board of Supervisors.

1. The written appeal shall specify the precise action from which the appeal is taken and shall set forth in concise terms the reason for the appeal and any legal authorities supporting the appeal period.
2. If the appellant desires a hearing before the Board, the appellant must request a hearing in the written appeal.
3. If a hearing is requested in writing, the Board shall conduct the hearing at a regular or special public meeting which occurs not less than fourteen (14) days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of the Local Agency Law, 2 Pa. C.S. §551 et seq.
4. The Board shall render a decision on the appeal in accordance with the provisions of the Local Agency Law.

Section 2. Except as otherwise required by law, this Ordinance is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Ordinance restates regulations contained in ordinances previously enacted by the Board of Supervisors, this Ordinance shall be considered a restatement and not a repeal of such regulations. It is the specific intent of the Board that all provisions of this Ordinance shall be considered in full force and effect as of the date such regulations were initially enacted.

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 _____,
2020, by the Board of Supervisors of the Township of West Cocalico, Lancaster County, Penn-
sylvania, in lawful session duly assembled.

TOWNSHIP OF WEST COCALICO
Lancaster County, Pennsylvania

Attest: _____
(Assistant) Secretary

By: _____
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]