

ORDINANCE NO. 2007-02

**AN ORDINANCE OF BETHEL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, GOVERNING MUNICIPAL MANAGEMENT OF ONLOT SEWAGE DISPOSAL FACILITIES WITHIN THE TOWNSHIP; ESTABLISHING PERMIT REQUIREMENTS AND REGULATIONS FOR THE INSPECTION, OPERATION, AND REHABILITATION OF ONLOT SEWAGE SYSTEMS; AND FURTHER DESIGNATING ENFORCEMENT PROCEDURES AND PRESCRIBING PENALTIES FOR VIOLATIONS.**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Bethel Township, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

**Section I. Short Title: Introduction; Purpose**

A. This Ordinance shall be known and may be cited as "Bethel Township Sewage Management Ordinance."

B. In accordance with municipal codes, the Clean Streams Law (Act of June 27, 19937, P.L. 1987, No. 394 as amended, 35 P.S. §691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §750.1 et seq. known as Act 537), it is the power and the duty of the Bethel Township Board of Supervisors to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Bethel Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

C. The purpose of this Ordinance is to provide for the regulation, inspection, and rehabilitation of onlot sewage disposal systems; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

**Section II. Definitions**

A. "Authorized Agent" shall mean a Sewage Enforcement Officer, employee of Bethel Township, professional engineer, plumbing inspector, or any other qualified or licensed person who is authorized to function within specified limits as an agent of Bethel Township to administer or enforce the provisions of this Ordinance.

- B. “Board” shall mean the Board of Supervisors of Bethel Township, Berks County, Pennsylvania.
- C. “Community Sewage System” shall mean any system, other than the publicly owned treatment works of the Bethel Township Municipal Authority, whether publicly or privately owned, used for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage in whole or in part into the soil or into any waters of the Commonwealth.
- D. “Department” shall mean the Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).
- E. “Domestic Sewage” shall mean the normal water-carried household and toilet wastes from a residential dwelling unit.
- F. “Individual Sewage System” shall mean a system of piping, tanks or other facilities serving a single lot used for the collection and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.
- G. “Industrial Waste” shall mean any solid, liquid or gaseous substance or form of energy or discharge, rejected or escaping in the course of any industrial, manufacturing, trade, or business process, or waste conversion, storage, or recycling process, or in the course of the development, recovery, or processing of natural resources, as distinct from sewage, including such ground, surface or storm water as may be present and blended therewith.
- H. “Malfunction” shall mean a condition which occurs when an onlot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.
- I. “Official Sewage Facilities Plan” shall mean a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board and approved by the Pennsylvania Department of Environmental Protection pursuant to the Pennsylvania Sewage Facilities Act.
- J. “Onlot Sewage Disposal System” shall mean any system used for disposal of sewage involving tanks, settlement tanks, pretreatment, pumping, gravity, spraying and/or disposal of the clarified sewage into surface, subsurface soil absorption area or retaining tank in any manner. This term includes both individual sewage systems and community sewage systems.
- K. “Person” shall mean any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person

shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

L. “Rehabilitation” shall mean work done to modify, alter, repair, enlarge or replace an existing onlot sewage disposal system.

M. “Sewage” shall mean substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 23, 1937 (P.L. 1987, No. 394), known as “The Clean Streams Law,” as amended. This term specifically includes: (1) sewage sludge; (2) material removed from holding tanks and/or treatment tanks (residential septage); and (3) animal manure or other wastes in any form derived from any intensive agricultural operation, Concentrated Animal Feeding Operation (“CAFO”), Concentrated Animal Operation (“CAO”), or factory farm.

N. “Sewage Enforcement Officer (SEO)” shall mean a person certified by DEP who is employed by Bethel Township. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by Bethel Township.

O. “Sewage Management District” shall mean any area of the Bethel Township designed in the Official Sewage Facilities Plan adopted by the Board of Supervisors of Bethel Township as an area for which a Sewage Management program is to be implemented.

P. “Sewage Management Program” shall mean a comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Bethel Township Board of Supervisors to effectively enforce and administer this Ordinance.

Q. “Subdivision” shall mean the division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines.

R. “Township” shall mean the Township of Bethel, Berks County, Pennsylvania.

S. For the purpose of this Ordinance, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and Regulations promulgated thereto.

### **Section III. Applicability**

A. The provisions of this ordinance shall apply to all portions of Bethel Township and to all persons, owning any property serviced by an onlot sewage disposal system and to all persons installing or rehabilitating onlot sewage disposal systems.

#### **Section IV. Permit Requirements**

- A. No person shall install, construct or request bid proposals for construction, alter and/or rehabilitate an individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy buildings or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit from the Sewage Enforcement Officer which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law (35 P.S. §691.1-691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 et seq.) and the regulations adopted pursuant to those Acts.
- B. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by the sewage enforcement officer. If 72 hours have elapsed, excepting Sundays and Holidays, since the sewage enforcement office issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the sewage enforcement officer.
- C. Applicants for sewage permits may be required to notify the sewage enforcement officer of the schedule for construction of the permitted onlot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Facilities Act may be scheduled and performed by the sewage enforcement officer.
- D. No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the sewage enforcement officer.
- E. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit for alterations or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of Bethel Township receive written notification from the sewage enforcement officer that such a permit will not be required. The sewage enforcement officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.
- F. Sewage permits may be issued only by a sewage enforcement officer employed by Bethel Township. DEP shall be notified as to the identity of each sewage enforcement officer employed by Bethel Township.

#### **Section V. Inspection**

- A. Any onlot sewage disposal system may be inspected by an authorized agent at any reasonable time as of the effective date of this Ordinance.

B. Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.

C. An authorized agent shall have the right to enter upon land for the purposes of inspections described in this section after a reasonable attempt has been made to notify the landowner.

D. An authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspection reveal that the system is indeed malfunctioning, the authorized agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of DEP including, but not limited to those outlined in Chapter 73 of Title 25 of Pennsylvania Code; or, is not technically or financially feasible in the opinion of the authorized agent and a representative of DEP; thence action by the property owner to mitigate the malfunction shall be required.

E. If there arises a geographic area where numerous onlot sewage disposal systems are malfunctioning, a resolution of these area wide problems may necessitate detailed planning and a revision to the portion of the Sewage Facilities Plan pertaining to areas affected by such malfunctions. If a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action will be compelled whenever a malfunction, as determined by Bethel Township officials and/or the Department, represents a serious public health or environmental threat.

## **Section VI. Operation**

A. Only normal domestic sewage shall be discharged into any onlot sewage disposal system. The following shall not be discharged in to the system:

1. Industrial waste;
2. Automobile oil and other non-domestic oil;
3. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents;
4. Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains;
5. Sewage, other than domestic sewage.

## **Section VII. System Rehabilitation**

- A. No person shall operate or maintain an onlot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit of such discharge has been obtained from DEP.
- B. A written notice of violation shall be issued to any person who is the owner of any property which is found to be served by a malfunctioning onlot sewage disposal system or which is discharging sewage without a permit.
- C. Within seven (7) days of notification by Bethel Township that a malfunction has been identified, the property owner shall make application to the sewage enforcement officer for a permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by Bethel Township, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by Bethel Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case Bethel Township may set an extended completion date.
- D. The sewage enforcement officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal areas, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank or any other alternative appropriate for the specific site.
- E. In lieu of, or in combination with the remedies described in Subsection D above the sewage enforcement officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.
- F. In the event that the rehabilitation measures in Subsections A through E are not feasible or effective, the owner may be required to apply for a permit to install an individual spray irrigation treatment system or to apply to DEP for a single residence treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within thirty (30) days.
- G. Should none of the remedies described in this Section be totally effective in eliminating the malfunction of an existing onlot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. Bethel Township may require whatever action is necessary to lessen, mitigate, or eliminate the malfunction to the extent necessary including but not limited to declaring the premises unfit for human habitation, a threat to public health and/or such other actions as it deems necessary in the public interest.

### **Section VIII. Municipal Intervention and Liens**

A. Bethel Township, upon written notice from the sewage enforcement officer that an imminent health hazard exists due to failure of property owner to maintain, repair or replace an onlot sewage disposal system as provided under the terms of this Ordinance, shall have the authority to perform or contract to have performed work required by the sewage enforcement officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore upon the subject property in accordance with law.

### **Section IX. Disposal of Sewage**

A. All sewage originating within the sewage management district shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. § 6018.101 et seq.) and all other applicable laws and at sites or facilities approved by DEP.

B. Pumper/haulers of septage operating within the sewage management district shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §6018.1003) and all other applicable laws.

### **Section X. Administration**

A. Bethel Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Ordinance.

B. Bethel Township shall employ qualified individuals to carry out the provisions of this Ordinance. Those employees shall include a sewage enforcement officer and may include an administrator and such other persons as may be necessary. Bethel Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this Ordinance.

C. All permits, records, reports, files and other written materials relating to the installation, operation and maintenance and malfunction of onlot sewage disposal systems in the sewage management district shall become the property of, and be maintained by, Bethel Township. Existing and future records shall be available for public inspection during regular business hours at the official office of Bethel Township. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the sewage management program shall be made available upon request for inspection by representatives of the Pennsylvania Department of Environmental Protection.

D. Bethel Township Board of Supervisors shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.

E. The Bethel Township Board of Supervisors may establish a fee schedule, and authorize the collection of fees, to cover the cost to Bethel Township of administering this program.

## **Section XI. Appeals**

A. Appeals from final decisions of Bethel Township or any of its authorized agents under this Ordinance shall be made to Bethel Township Board of Supervisors in writing within thirty (30) days from the date of written notification of the decision in question.

B. The appellant shall be entitled to a hearing before the Bethel Township Board of Supervisors at their next regularly scheduled meeting, if a written approval is received at least fourteen (14) days prior to that meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting. The municipality shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Board of Supervisors of Bethel Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.

C. A decision shall be rendered in writing within thirty (30) days of the date of the hearing.

## **Section XII. Penalties**

A. This Ordinance is enacted pursuant to Article XVI of the Second Class Township Code for the purpose of preventing and abating water pollution and hazards to the public health caused by improper treatment and disposal of sewage. Any person who violates any of the terms of this Ordinance shall be guilty of a summary offense and shall upon conviction thereof, pay a fine of not more than one-thousand dollars (\$1,000) per violation. Each day of noncompliance shall constitute a separate violation. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney as provided by law.

B. In addition to the above penalties all other actions are hereby reserved including civil enforcement proceedings and/or an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue and all such persons shall be required to correct or remedy such violations and non-compliance within a reasonable time.

## **Section XIII. Additional Regulations**

The Bethel Township Board of Supervisors may promulgate regulations by resolution from time to time to implement and give full force and effect to this Ordinance.

## **Section XIV. Severance Clause**

In the event that any provision, section, sentence, clause or portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any of the remaining Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Bethel Township that the remainder of this Ordinance shall be and



remain in full force and effect notwithstanding the fact that such portion thereof shall be invalid or unconstitutional.

**Section XV. Repealer Clause**


All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

**Section XVI. Effective Date**

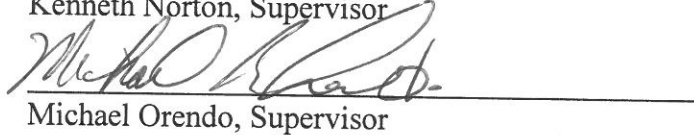
This Ordinance shall take effect five (5) days subsequent to its passage.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of Bethel Township, Berks County, Pennsylvania, in lawful session duly assembled this 18 day of June, 2007.

BOARD OF SUPERVISORS  
BETHEL TOWNSHIP

  
Randall Haag, Chairman

  
Kenneth Norton, Supervisor

  
Michael Orendo, Supervisor

Attest:

  
Jayne Seifrit, Township Secretary