

**BRECKNOCK TOWNSHIP  
LANCASTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 201, 2014**

**ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF  
BRECKNOCK BY REVISING AND AMENDING CHAPTER 86, SEWAGE  
DISPOSAL, OF SAID ORDINANCE**

BE IT HEREBY ENACTED AND ORDAINED, and it is enacted and ordained by authority of the Board of Supervisors of Brecknock Township, that the Code of the Township of Brecknock, Chapter 86, Sewage Disposal, is hereby amended as follows:

**Section 1.** Article III of Chapter 86 is amended to read "On-lot Sewage Disposal System Management"

**Section 2.** Section 86-21 of Article III – On-lot Sewage Disposal System Management - is amended to read as follows:

**§ 86-21. Title.**

This Ordinance shall be known as and may be referred to as the "Brecknock Township On-lot Sewage Disposal System Management Ordinance."

**Section 3.** Section 86-22 of Article III is amended to read as follows:

**§ 86-22. Legislative Intent & Purposes.**

The Board of Supervisors recognizes that individual and community 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 individual and community on-lot sewage systems must be regulated in accordance with the regulations promulgated by the Department of Environmental Protection which pertain to the location and permitted types of on-lot sewage systems. In addition, the Township has determined that, should the on-lot sewage system installed by a landowner 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 a system 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 of Supervisors desires to require that all landowners provide and set aside areas for the installation of replacement individual and community on-lot sewage disposal systems.

The purposes of this Ordinance include:

- A. The regulation of the installation, inspection, operation, rehabilitation, replacement and timely on-going maintenance of on-lot systems within the Township; and,
- B. The establishment of provisions and safeguards for the Township which enable the issuance of permits for individual and community on-lot sewage disposal systems, Bonded Disposal Systems and Individual Residential Spray Irrigation Systems (IRSIS) by and through the Sewage Enforcement Officer (SEO); and,
- C. Establishment of minimum standards for the periodic pumping of treatment, dosing and lift-pump tanks which are components of on-lot systems permitted by the SEO; and,
- D. Adoption, by reference, of standards for initial and subsequent pumping of on-lot systems and tanks.

**Section 4.** Section 86-23 of Article III is amended to read as follows:

**§ 86-23. Adoption of Standards by Reference.**

A certain document is presently on file in the office of the Secretary of the Township of Brecknock, being marked and designated as Chapters 71, 72 and 73 of Title 25 of the Pennsylvania Code, being promulgated by the Department of Environmental Protection of the Commonwealth of Pennsylvania, and is 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 article. It is the intent of the Board of Supervisors 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.A § 1937(a). If such an intent is found invalid by a court of competent jurisdiction, it is the intent of the Board to adopt said chapters as they existed on the effective date of this article.

The Board of Supervisors of Brecknock Township has adopted a Sewage Facilities Plan pursuant to such statutory authority granted the municipality in the Pennsylvania Sewage Facilities Act, 35 P.S. 750.1, et seq., ("the Act"), as implemented by and through the regulations issued by the Pennsylvania Department of Environmental Protection, Title 25, Chapters 71, 72 and 73. The Board of Supervisors is authorized pursuant to such statutory authority to take actions necessary to assure continued compliance of individual and community on-lot sewage facilities with the Act, the Clean Streams Law and regulations promulgated thereunder. The Sewage Facilities Plan of Brecknock Township provides that a permitted means of sewage disposal within the Township is on-lot soil-based sewage disposal systems, requiring that sufficient land area be provided for each lot to provide adequately for both current and future sewage disposal needs, including a provision for replacement area for each lot. As mandated by the Second Class Township Code, the Clean Streams Law (35 P.S. § 691.1 to 691.1001), Title 25 of the Pennsylvania Code, 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), municipalities have the power and the duty to provide for adequate sewage treatment facilities and for protection of the public health by preventing the discharge of untreated or inadequately treated sewage.

**Section 5.** Section 86-24 of Article III is amended to read as follows:

**§86-24. Terms and Definitions.**

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

**ABSORPTION AREA** - a component of an individual or community sewage system 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.

**ACT** - The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, No. 537, as amended, 35 P.S. Section 750.1 et. seq.

**ADVANCED TECHNOLOGY SYSTEM** – Any individual or community on-lot sewage disposal system that requires an operation and maintenance agreement as specified by

the latest version of the PADEP Alternate and Experimental Technical Guidance Manual.

**AUTHORIZED AGENT** - A Certified Sewage Enforcement Officer (SEO), professional engineer or sanitarian, plumbing inspector, soils scientist, water quality coordinator, or any other person who is designated to carry out the provisions of this Ordinance as an agent of the Board.

**BOARD** - The Board of Supervisors of Brecknock 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, and the installation, operation and replacement of which is guaranteed by the property owner.

**COMMUNITY ON-LOT SEWAGE SYSTEM** – A system of piping, tanks, or other facilities serving two or more lots and collecting, treating and disposing of domestic sewage into a soil absorption area or retaining tank located on one or more of the lots or at another site.

**COMMUNITY SEWERAGE SYSTEM** – A publicly or privately owned community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area or retention in a retaining tank.

**DEP/THE DEPARTMENT** - The Department of Environmental Protection of the Commonwealth of Pennsylvania.

**DEVELOPER** - Any person, partnership or corporation 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.

**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 four hundred (400) gallons per day.

**INDIVIDUAL ON-LOT SEWAGE SYSTEM** – A sewage disposal system which uses a system of piping, tanks or other facilities serving a single lot for collecting, treating and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.

**INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEM (IRSIS)** – An individual sewage system which serves a single dwelling and which treats and disposes of sewage using a system of piping, treatment tanks and soil renovation through spray irrigation.

**INDIVIDUAL SEWERAGE SYSTEM** - A system, which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area or retention in a retaining tank.

**LOT** – A designated parcel, tract or area of land established by plat or otherwise as permitted by law and to be used, developed or built upon as a unit; a designated parcel of land held in single and separate ownership, undivided by any street or dedicated future right-of-way. Such parcel shall be separately described by metes and bounds, the description of which is recorded in the office of the Recorder of Deeds of Lancaster County by deed description or is described by an approved plat recorded in the office of the Recorder of Deeds of Lancaster County.

**MALFUNCTION** - The condition that occurs when an on-lot system causes pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or a hazard to public health.

**ON-LOT SEWAGE DISPOSAL SYSTEM** – Also referred to as “on-lot system”. Includes any sewage disposal system identified in this Ordinance as “Individual On-lot Sewage System”, “Community On-Lot Sewage System”, “Individual Residential Spray Irrigation System”, or “Advanced Technology System”.

**OWNER** - Any person, corporation, partnership, etc., holding deed or title to lands within the Township.

**PLANNING MODULE FOR LAND DEVELOPMENT** - A revision to, or exception to the Official Plan, submitted in accordance with DEP 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 sewage generated on that lot, tract, or parcel. (see Replacement Area)

**PUMPER/HAULER BUSINESS** - Any sole proprietor, company, partnership or corporation which engages in cleaning any or all components of a community or individual on-lot system and evacuates and transports the septage cleaned therefrom, whether for a fee or free of charge. For the purposes of this Ordinance, any

pumper/hauler business which shall operate within Brecknock Township shall be required to register with the Township.

**PUMPER/HAULER TRUCK OPERATOR** - A natural person who engages in cleaning any or all components of a community or individual on-lot sewage system and evacuates and transports the septage cleaned therefrom, whether for a fee or free of charge. For the purposes of this Ordinance, all pumper/hauler truck operators shall be employed with a business registered with the Township.

**REGULATIONS** - The Pennsylvania Code, Title 25, Chapters 71, 72 and 73.

**REPAIR** - Work done to modify, alter, rehabilitate or enlarge an existing on-lot system.

**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 on-lot system 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 no piped water under pressure and no piped wastewater is available.

**INCINERATING TOILET** - A device capable of reducing waste materials 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 micro-organisms to produce a stable, humus-like material.

**RECYCLING TOILET** - A device in which the flushing medium is restored to a condition suitable for reuse 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 which constitutes pollution to the waters of the Commonwealth under the Clean Streams Law (35 P.S. 691.1 - 691.1001).

**SEWAGE ENFORCEMENT OFFICER (SEO)** - Any person certified by the State Board for the Certification of Sewage Enforcement Officers. As applicable to the permitting of on-lot sewage disposal systems, such definition shall include any person certified as above and who is employed by Brecknock Township to administer the provisions of this Ordinance, the provisions of the Act, and the regulations in PA Code Title 25, Chapters 71, 72, and 73.

**SEWAGE FACILITIES** - Any method of sewage collection, conveyance, treatment, and disposal, which will prevent the discharge of untreated or inadequately treated sewage into the waters of this Commonwealth, or otherwise provide for the safe treatment and disposal of sewage or other waste.

**SEWAGE MANAGEMENT PROGRAM** – A comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance and other administrative requirements adopted by the Township to effectively enforce and administer this Ordinance.

**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.

**SOIL ABSORPTION SYSTEM** - An on-lot system that uses the renovative capacity of the soil for final treatment of the effluent. All SEO permitted systems, except retention tank systems, are soil absorption systems.

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

**TOWNSHIP** - Brecknock 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.

**Section 6.** Section 86-25 of Article III is amended to read as follows:

**§ 86-25. Applicability; Permits Required.**

- A. The provisions of this Ordinance shall apply to all existing on-lot sewage disposal systems, as well as all new systems proposed and permitted by the SEO within the Township.
- B. All individual or community on-lot systems, 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 Ordinance, the Act and Regulations.
- C. Building or zoning permits shall not be issued for any building or improvement to real property to be serviced by an on-lot system, prior to receiving a permit for the installation of the on-lot system from the SEO. No occupancy permit shall be issued for the use or occupancy of any building or improvement to real property to be serviced by an on-lot system, prior to the SEO approving the installation of the on-lot system.
- D. All system components including absorption areas shall 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, or through means of an easement, right-of-way or other instrument, unless approved by the SEO and the Township.
- E. All planning modules proposing individual or community sewage systems 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.
- F. No on-lot system shall be altered, extended, augmented, modified or repaired without the issuance of a repair permit by the SEO.



- G. No on-lot system shall be used or loaded in a manner which is inconsistent with the permit that was issued to authorize that system's installation.
- H. Permit applications for on-lot systems which include electronically, mechanically, hydraulically or pneumatically operated or controlled devices shall be accompanied by the respective manufacturer's recommended maintenance schedule and product specifications.
- I. Permit applications for Individual Residential Spray Irrigation Systems, which the provisions of §86-27 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 the owner shall provide the Township with the new maintenance contract within thirty (30) days.

**Section 7.** Section 86-26 of Article III is amended to read as follows:

**§ 86-26. Sewage Testing and Replacement Areas**

After the effective date of this Article, no requests for approvals of planning modules for land development and no revisions or supplements to the Official Plan shall be granted by the Board 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 on-lot sewage system. The Sewage Enforcement Officer shall perform or observe all tests required by Chapter 73 of the Regulations and this Article for the location of an individual on-lot sewage system to confirm the suitability of the location.

- A. A replacement area shall be required for all proposed or existing lots on which a dwelling or structure providing sanitary facilities is proposed to be constructed and which are intended to be serviced by a soil absorption system, except an IRSIS. All replacement areas shall be subject to testing and confirmation by soils testing as specified in Chapter 73 of the Regulations that the replacement area meets the minimum standards established for soil absorption systems. When required, the testing for a replacement area shall be conducted and the results provided to the Township prior to the approval of any plan of subdivision or land development. No replacement area shall be required for any application involving the replacement of an existing malfunctioning system unless required by the SEO.

- B. 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 the requirements of this Section.
- C. The location of the primary and replacement areas shall be delineated and identified as an absorption area on the plot plans, maps or diagrams submitted as part of the permit application and subdivision or land development plan.
- D. If an application has been submitted as a part of an application for approval or review of a planning module for land development, the landowner shall identify the location of each on-lot sewage disposal system and each Replacement Location upon the plans. If the application is for subdivision or land development approval, the landowner shall include a note on the plans stating that:
  - 1. No improvements, whether permanent or temporary, shall be constructed upon or within the absorption area easement.
  - 2. 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.
  - 3. During any construction or other activities, the absorption area easement shall be so marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating upon the surface of the absorption area easement.
  - 4. The final cover or improvement to every absorption area shall be limited to shallow-rooted plant matter.

The landowner shall also prepare and submit to the Township for approval a Declaration of Easement Agreement which shall describe, by metes and bounds, the absorption area easement and meet the identification, non-use and preservation requirements of this section. The easement descriptions shall provide adequate area for the entire on-lot system, including any earthen berms and spray areas as necessary. The approved Declaration of Easement shall be recorded at the Lancaster County Recorder of Deeds Office. A copy of the recorded easement shall be filed with the Township.

**Section 8.** Section 86-27 of Article III is amended to read as follows:

**§ 86-27. Individual Residential Spray Irrigation and Advanced Technology Systems.**

A. Individual Residential Spray Irrigation Systems.

1. All applications for on-lot systems, which propose to use an Individual Residential Spray Irrigation System as the treatment method, shall be accompanied by one of the following:
  - a. A maintenance agreement between the landowner and an individual, firm or corporation experienced in the operation and maintenance of sewage treatment systems.
  - b. A maintenance agreement between the landowner and an individual, firm, association, trust or other entity, which is structured to accept responsibility for the system, and is experienced in the proper operation and maintenance of the system.
2. Applications for Individual Residential Spray Irrigation Systems shall be accompanied by a cash escrow to ensure the long term operation and maintenance of the system. The landowner shall deposit with the Township the sum of \$2,500.00 or such amount as has been established by the Township by resolution, whichever is greater.
3. The escrow shall be forfeited by the landowner and the Township shall apply the funds for the repair, operation or maintenance of the system when:
  - a. The system is not maintained according to the standards of this Ordinance, applicable DEP regulations, or the manufacturer's specifications; or,
  - b. The treatment tank(s) are not serviced, cleaned, inspected and/or pumped according to the applicable standards of this Ordinance; or,
  - c. The testing and monitoring are not conducted according to the standards of this Ordinance, applicable DEP regulations, or the manufacturer's specifications; or,

- d. The agreement required by Subsection A of this Section is voided, canceled, or terminated and is not replaced in a manner approved by the Township.

**B. Advanced Technology Systems**

- 1. This term shall be defined as including any on-lot sewage disposal system that requires an operation and maintenance agreement as specified by the latest version of the PADEP Alternate & Experimental technical guidance manual.
- 2. All applications for advanced technology systems shall be accompanied by one of the following:
  - a. A maintenance agreement between the landowner and an individual, firm or corporation experienced in the operation and maintenance of sewage treatment systems.
  - b. A maintenance agreement between the landowner and an individual, firm, association, trust or other entity, which is structured to accept responsibility for the system, and is experienced in the proper operation and maintenance of the system.
- 3. Applications for advanced technology systems shall be accompanied by a cash escrow to ensure the long term operation and maintenance of the system. The landowner shall deposit with the Township the sum of \$2,500.00 or such amount as has been established by the Township by resolution, whichever is greater. Depending on the intensity of the application, the Township shall have the discretion to waive this requirement.

**Section 9.** Section 86-28 of Article III is amended to read as follows:

**§ 86-28. Maintenance of Systems.**

- A. The owner of a property upon which an on-lot system is constructed shall at all times operate and maintain the on-lot system in such condition as will permit it to function in the manner in which it was designed and to prevent the unlawful discharge of sewage.
- B. The owner of a property upon which an on-lot system is constructed shall maintain the area around such system so as to provide convenient access for

inspection, maintenance and pumping, and divert surface water and downspouts away from the absorption area and system components.

- C. In the event a landowner or authorized inspection entity detects conditions that indicate or could reasonably be interpreted to indicate a malfunction, the landowner shall contact the SEO and if repair or replacement is necessary, apply for a permit to repair or replace the malfunctioning system.
- D. Every aerobic or septic treatment tank which discharges effluent to a soil absorption area or to an individual residential spray irrigation system shall be pumped out according to the schedule in §86-32 of this Ordinance. If a component's manufacturer requires a more frequent pumping interval than contained in this Ordinance, that interval shall be deemed the minimum interval for pumping.
- E. When an on-lot system's treatment tank is pumped out, all dosing tanks, lift tanks and other tanks associated with the system shall also be pumped out.
- F. Retaining tanks and privies shall be pumped out at such intervals as will prevent overflow, leakage, backup, other malfunction, or a public health hazard or nuisance, but no less frequently than one time per year in accordance with the Brecknock Township Holding Tank Ordinance (Chapter 86, Article I).
- G. Upon completion of each required pumping, the pumper/hauler business shall provide a pumping receipt plus a completed "Brecknock Township On-Lot Sewage Management Program Visual Inspection Form" to the Township to demonstrate compliance with the ordinance. A copy of the visual inspection form has been incorporated by reference in this Ordinance as Appendix A.
- H. Initial and periodic tank pumping shall be performed to these minimum standards unless other standards are specified by an equipment manufacturer:
  - 1. Tanks shall ONLY be pumped from/through the manhole/access port, i.e., the largest tank opening.
  - 2. Tanks shall NOT be pumped from/through the observation port.
  - 3. Every pump-out shall include a visual inspection of the interior of the tank. The inspection shall include a determination regarding the presence of baffles and their condition, as well as the physical condition of the treatment tank. Presence and condition of observation port(s) shall also be reported.

4. At all times, and in all phases of operations, pumper businesses and equipment operators shall comply with all laws and regulations regarding the activities associated with on-lot wastewater system maintenance and disposal of materials removed therefrom.
  5. The pumper/hauler business shall provide a pumping receipt to the landowner.
- I. Any person owning a building served by an aerobic treatment tank or an on-lot system, which includes any electrically, mechanically, hydraulically or pneumatically operated or controlled device shall follow the maintenance recommendations of the equipment's manufacturer.
  - J. The SEO may require additional maintenance activities including, but not limited to, cleaning or unclogging of piping, servicing or repair of 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.

**Section 10.** Section 86-29 of Article III is amended to read as follows:

**§ 86-29. Operation of On-lot Systems.**

- A. All on-lot systems shall be operated by the user in a manner that is in full compliance with the terms of this Ordinance, the Act and Regulations, and the system's permit.
- B. Only sewage and normal domestic wastes shall be discharged into any sewage facilities.
- C. The following shall not be discharged into the sewage facilities:
  1. Industrial waste
  2. Fats and grease
  3. Motor oil
  4. Hazardous waste
  5. Chemicals including, but not limited to:
    - a. Pesticides and herbicides

- b. Acids
  - c. Paint, paint thinner and solvents, including latex or water based paints
  - d. Wallpaper pastes and adhesives
  - e. Photo processing chemicals
- 6. Down spout and/or roof drain discharges
  - 7. Sump pump and basement drain discharges
- D. All water used within a residence, including kitchen and laundry wastes and water softener backwash, and all sewage shall be discharged into a treatment tank.
  - E. The Township may require the on-site pretreatment of effluents prior to their discharge to any sewage facilities operated or owned 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.
  - F. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground, or into the waters of the Commonwealth of Pennsylvania, unless a permit to discharge has been obtained from the DEP.

**Section 11.** Section 86-30 of Article III is amended to read as follows:

**§ 86-30. Registration.**

- A. All pumper/hauler businesses shall be registered with Brecknock Township and no pumper/hauler business shall conduct business or perform services within Brecknock Township without first being registered with the Township. A pumper/hauler business registering with the Township shall be obligated to provide a copy of its current, valid license from the PADEP, a list of treatment facilities to which waste is transported for treatment and a Certificate of Insurance.
- B. The property owner shall be required to register their on-lot sewage disposal system with Brecknock Township during the initial year of pumping as specified in §86-32 of this Ordinance. The property owner shall complete and

submit the required registration form to Brecknock Township in accordance with the timeframes established in §86-32 of this Ordinance. A copy of the registration form has been incorporated by reference in this Ordinance as Appendix B.

**Section 12.** Sections 86-31, 86-31.1, 86-31.2, 86-31.3, & 86-31.4 of Article III are amended to read as follows:

**§ 86-31. Registration Fees.**

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

**Section 13.** Section 86-32 of Article III is amended to read as follows:

**§ 86-32. Maintenance Districts Created.**

- A. The Township is hereby divided into three (3) districts, designated District 1, 2, and 3 as illustrated on the Management District Map, which is incorporated by reference into this Ordinance as Appendix C.
- B. Every on-lot system in the Township shall comply with this Section of the Ordinance by December 31, 2017.
- C. The requirements of this section shall become effective in a sequential manner:

<u>Area</u>	<u>Compliance with this Section Shall Be Completed By:</u>
1	12/31/2015
2	12/31/2016
3	12/31/2017

- D. All persons who own a lot upon which an on-lot sewage disposal system is installed shall retain a sewage hauler to remove septage from the tank in compliance with this Article. Compliance with the first year sewage pumping requirement should occur during the calendar year listed above for each applicable area (i.e. Area 1 resident pumps system in 2015). The only exception for this requirement is if the property owner can provide proof to the Township that their system was pumped during the previous calendar year (i.e. Area 1 resident had system pumped in 2014). Any owner that exceeds this one year



grace period shall have their system pumped during the listed cycle year. No grace periods will be granted after the initial compliance year.

- E. After the initial pumping, all tanks in all systems shall be pumped out at a minimum regular interval of once every three (3) years from the year of either the initial pumping or a subsequent pumping (i.e. Area 1 resident is required to pump tanks during calendar years 2015, 2018 and so on, Area 2 during years 2016, 2019 and so on, Area 3 during years 2017, 2020 and so on). Tanks that have been subjected to more frequent pumping, by the nature of their size, loading rate or other system characteristics, should continue to receive that frequency of pumping. This Ordinance is NOT an instruction to reduce the frequency of pumping and should not be construed as such. This Ordinance establishes the minimum pump out requirement for all treatment tanks that do not exhibit characteristics that indicate more frequent pumping is required. In the event that on-lot sewage disposal is no longer used to serve a property, whether on that property or on an easement established on another lot, the right to enter under this ordinance shall cease.
- F. Landowners may choose to have tanks pumped out more frequently at their discretion, as necessary to abate a surface discharge or if recommended by the manufacturer of the type of on-lot system being utilized. The property owner is required to demonstrate compliance with the minimum pumping interval requirements established in this Section.
- G. The Township reserves the right to modify this operation and maintenance program as the Township, in its exercise of its authority under applicable law, shall determine appropriate. In the event that a report of a failure or malfunction of an on-lot sewage disposal system is received by the Township, the Township shall be authorized to investigate the alleged malfunction and/or conduct an inspection of any on-lot system. The Township shall not be obligated to investigate anonymous reports of failure or malfunction.
- H. Prior to entry for any purpose in connection with the enforcement of the provisions of this Ordinance, the Township shall give advance written notice to the occupant of a property to enable the occupant to be personally present or be represented by an agent at the time of such entry. Any adult occupant present on the property at the time a request to enter is made by an Authorized Agent may waive their right of advance notice. Advance notice shall be given at least twenty-four hours prior to entry, unless waived, and shall be by telephone, First Class mail or posting of the property. If notice is provided by mail, the date of the proposed entry shall not be less than three (3) days from the date of the postmark of the letter.

**Section 14.** Section 86-33 of Article III is amended to read as follows:

**§ 86-33. Abating Health Hazards – Liens.**

- A. Upon written notice from the SEO that an imminent health hazard exists due to failure of a property owner to properly operate, maintain, repair or replace an on-lot system as provided under the terms of this Ordinance, the Board shall have the authority but not the obligation to perform, or contract to have performed, any repairs as may be directed by the SEO to abate the health hazard.
- B. The costs for the actual repair, repair permit and site investigations in support of the permit shall be borne by the property owner.
- C. The Township may take whatever action necessary to recover these costs in accordance with law, including entering a lien against the property.
- D. The Township may seek injunctive relief to prevent continued use of a malfunctioning on-lot system.

**Section 15.** Section 86-34 of Article III is amended to read as follows:

**§ 86-34. System Rehabilitation.**

The Township shall be authorized to refer to the SEO any conditions of an on-lot sewage disposal system which, in the opinion of the Township represent an imminent public health hazard or environmental threat.

**Section 16.** Section 86-35 of Article III is amended to read as follows:

**§ 86-35. Appeals.**

Appeals from any action of the Sewage Enforcement Officer under this Chapter shall be made in writing to the Board of Supervisors within 30 days from the date of the written determination of the Sewage Enforcement Officer. All appeals shall be on forms prescribed by the Township and shall be accompanied by the appeal fee established by resolution or ordinance by the Board of Supervisors. The written appeal shall specify the precise action from which the appeal was taken, and shall set forth in concise terms the reason for the appeal and any legal authority supporting the appeal. If the appellant desires a hearing before the Board, the appellant must request a hearing in the written appeal. 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 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.A. §551, et seq. The Board shall render a decision on the appeal in accordance with the provisions of the Local Agency Law. A written decision shall be issued within 20 days of the closing of the record. Appellant may be represented by counsel.

**Section 17.** Section 86-36 of Article III is amended to read as follows:

**§ 86-36. Relief from requirement of designation of replacement location.**

If any lot held in single and separate ownership as of the effective date of this Ordinance shall not contain land suitable for a replacement location, the applicant for a permit under Chapter 110 - Zoning, or a permit to install an individual on-lot sewage disposal system, may request that the Board grant an exception to the requirement of providing a replacement location under Section 86-26. 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 of Supervisors demonstrating:

- A. The lot was held in single and separate ownership on the effective date of this Ordinance;
- B. The results of a soil evaluation and testing that were conducted and which determined that the soil conditions on the lot are of an extent or nature that are only a primary absorption area exists on the lot;
- C. The inability of the applicant to acquire adjacent land or the unsuitability of adjacent land which may provide a suitable replacement area.
- D. 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 Section 86-26.

**Section 18.** Add Section 86-36.1 of Article III to read as follows:

**§ 86-36.1. Violations and Penalties.**

- A. It shall be a violation of this Article to commit or permit any other person to commit any of the following acts:
  - 1. To commence construction of a structure which will be served by an on-lot

system without first obtaining a permit for the system from the SEO;

2. To install, construct, alter or repair an on-lot system without first obtaining the permit for the installation, construction, alteration, or repair from the SEO, or in any manner which violates the terms and conditions of any permit;
3. To misuse or fail to maintain an on-lot sewer system;
4. To misuse or fail to maintain the components of an on-lot system at the intervals specified in this Ordinance or those specified by the equipment manufacturer;
5. To fail to report a malfunctioning on-lot system;
6. To fail to remedy a malfunctioning on-lot system;
7. For a pumper/hauler business or property owner to fail to file the necessary reports in a timely manner;
8. To occupy or permit the occupancy of any structure served by an on-lot system for which a valid permit has not been obtained as required by this Article;
9. To construct any improvements upon, grade, or take any other action which will render a replacement location unsuitable for installation of an on-lot system;
10. To fail to comply with any other provision of this Article.

B. Any person who violates or permits the violation of any provision of this Article, or who shall use, maintain or alter an on-lot system in violation of any permit issued by the Sewage Enforcement Officer, 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 Sewage Enforcement Officer, commits a summary offense subject to prosecution by the Township, and upon conviction before a District Justice shall be subject to a fine of not less than \$300 nor more than \$1,000, plus costs of prosecution. All fines and penalties may be collected as provided by law. Each day that a violation continues and each section of this Article which is violated constitutes a separate violation.

- C. In addition to any other actions to obtain compliance, the Township may assess civil penalties and pursue remedies as described in the Pennsylvania Sewage Facilities Act.

**Section 19.** Add Section 86-36.2 of Article III to read as follows:

**§ 86-36.2. Remedies.**

In case any improvement is constructed or any lot maintained in violation of this Article, or any on-lot system is installed, repaired, constructed, altered or modified prior to the obtaining of a permit as required by this Article or in any manner which does not comply with such permit, or any on-lot system is not properly maintained or the malfunction of an on-lot 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, maintenance, alteration or repair of improvements, or such unlawful maintenance of such lot, or the continued use of such on-lot sewage system.

**Section 20.** Add Section 86-36.3 of Article III to read as follows:

**§ 86-36.3. Declaration of Nuisance.**

- A. 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 on-lot system without having obtained a permit as required by this Article and the regulations of the Department, or, if a permit was obtained in a manner which violates the terms of the permit.
  - 3. Failure to maintain an on-lot system as required by this Article.
- B. 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 the Township residents. The actual expenses of the Township in the abatement of such nuisances plus a penalty in the amount of ten

percent (10%) of such expenses shall be filed as a municipal lien against the property.

**Section 21.** All other parts, sections, subsections and provisions of the Code of Ordinances of the Township of Brecknock shall remain in full force and effect as heretofore enacted and amended.

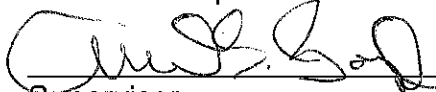
**Section 22.** These amendments shall take effect as provided for by law, and all ordinance provisions inconsistent with these amendments are hereby repealed and deleted.

**ENACTED AND ORDAINED** this 9<sup>th</sup> day of September, 2014, by the Board of Supervisors of Brecknock Township, Lancaster County, Pennsylvania, in lawful session duly assembled.

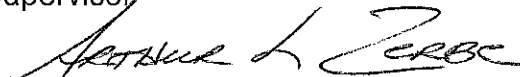
BRECKNOCK TOWNSHIP  
BOARD OF SUPERVISORS



Chairman/Supervisor

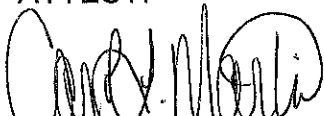


Supervisor



Supervisor

ATTEST:

  
Township Secretary