

TOWNSHIP OF MARTIC

Lancaster County, Pennsylvania

ORDINANCE NO. 03-04-13 B

AN ORDINANCE TO AMEND ORDINANCE NO. 98-2, THE MARTIC TOWNSHIP SEWAGE DISPOSAL SYSTEM ORDINANCE, TO ADD REGULATIONS FOR THE PERMITTING AND MAINTENANCE OF COMMUNITY SEWAGE SYSTEMS AND NON-STANDARD INDIVIDUAL SEWAGE SYSTEMS.

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

Section 1. Ordinance No. 98-2, the Martic Township Sewage Disposal System Ordinance, Section 4, Word Usage and Definitions, shall be amended by inserting the following definitions in alphabetical order:

ALTERNATE SEWAGE SYSTEM – a method of demonstrated on-lot sewage treatment and disposal which is not described in Chapter 73 of the Department’s regulations.

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

EXPERIMENTAL SEWAGE SYSTEM – a method of on-lot sewage treatment and disposal not described in Title 25 of the Department’s regulations which is proposed for the purpose of testing and observation.

INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEM – 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.

NON-STANDARD INDIVIDUAL SEWAGE SYSTEM – any alternate sewage system, experimental sewage system, individual residential spray irrigation system, small flow treatment facility or sewage system utilizing a composting toilet which system or facility serves a single lot or an OLDS which has any equipment which is not commonly found on or

deviates from a standard 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 Department or a modification or amendment to the Township's Official Plan.

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

SMALL FLOW TREATMENT FACILITY – an individual sewage system designed to adequately treat sewage flows for final disposal using a stream discharge or other method approved by the Department.

Section 2. Ordinance No. 98-2, the Martic Township Sewage Disposal System Ordinance, Section 15, Maintenance Requirements for Community Sewage Systems, shall be retitled "Requirements for Community Sewage Systems and Non-Standard Individual Sewage Systems" and shall be amended to provide as follows:

Section 15. Requirements for Community Sewage Systems and Non-Standard Individual Sewage Systems.

1. 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:

A. 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 the required annual inspection and 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.

B. 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 for a period of time deemed sufficient by the Township. The financial security shall be posted through an irrevocable letter of credit in a form acceptable to the Township Solicitor or 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 acceptable alternative 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.

C. The applicant shall demonstrate to the Township that the proposed community sewage system meets all applicable Department regulations, that the applicant has obtained all necessary approvals and permits, and that the system has been properly installed. No occupancy permits shall be issued by the Township until the community sewage system has been properly installed.

D. The applicant shall provide the Township with a complete set of as-built plans for the community sewage system after its installation.

E. The applicant shall reimburse the Township for all costs incurred in the preparation of the agreement and its recording prior to the issuance of any permit by the Township.

2. 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 operation and maintenance of a community sewage system shall include, at a minimum, but not be limited to:

A. Contracting with a qualified individual or firm for operation and maintenance of the community sewage system. Any such individual or firm shall have all licenses and certifications which the Department may require. The owner of the community sewage system shall, if the Township requests, provide the Township with a copy of such contract.

B. Inspection of the community sewage system by the SEO or by a Department-certified sewage enforcement officer on an annual basis. If the inspection is performed by a sewage enforcement officer other than the SEO, the owner shall submit the inspection report prepared and signed by the sewage enforcement officer to the Township within one month after the date of inspection of the community sewage system.

C. Following any operation and maintenance recommendations of the manufacturer of the community sewage system.

D. Taking all necessary action, including sampling, to insure that the effluent discharge from the community sewage system meets any limitations for nitrogen, phosphorous or other pollutant imposed by the Department. All laboratory analyses required to be submitted by the Department or by Department regulations shall also be submitted simultaneously to the Township to be reviewed as appropriate by the SEO or his designee. During any period of time when the community sewage system is inoperable and/or incapable of treating the discharged effluent to meet Department limitations, the owner of the community sewage system shall immediately make the necessary arrangements to remove said effluent and arrange for the appropriate disposition of the effluent at a properly certified and licensed sewage disposal facility. The owner of the community sewage system shall, upon request of the Township, provide an agreement with a hauler for such removal. The owner of the community sewage system shall continue removing effluent in accordance with the provisions of this paragraph until such time as the community sewage system has been properly certified as being operable by the Township Engineer, the Township Sewage Enforcement Officer or the Department.

E. Preparation and maintenance of reports of all inspections of and any maintenance performed on the community sewage system for at least five years. The owner of the community sewage system shall allow inspection of all such records by Township representatives at reasonable times.

F. If applicable, removal of septage or sludge in accordance with Department regulations and manufacturer specifications.

G. Maintenance of surface contouring and other measures consistent with Department regulations to divert storm water away from the treatment facilities and, if applicable, absorption areas and to protect the absorption areas from physical damage.

H. 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 Section 15.4 of this Ordinance shall not be permitted to be discharged.

3. Permit Requirements for Non-Standard Individual Sewage Systems. All persons who desire to install a non-standard individual sewage system, in addition to all requirements of Sections 5, 7, and 8 of this Ordinance, shall meet all of the following requirements:

A. The record owner of the lot on which a non-standard individual 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 non-standard individual sewage system which grants the Township the right to enter upon the property; to inspect such non-standard individual 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 system is not functioning properly; to maintain such non-standard individual sewage system if the landowner fails to do so; and to recover the cost of the required annual inspection and 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 non-standard individual sewage system is removed and the property is connected to a Public Sewer Service Provider sewer system.

B. The applicant shall post financial security with the Township to secure the future maintenance of the non-standard individual sewage system and payment of costs of annual inspection of the non-standard individual sewage system for a period of time deemed sufficient by the Township, unless the Board of Supervisors waives the posting of financial security for good cause demonstrated by the applicant. The amount of the financial security shall be based upon the estimated cost to maintain the particular non-standard individual 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 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 acceptable alternative financial security or until the non-standard individual sewage system is removed and the property is connected to a Public Sewer Service Provider sewer system.

C. The applicant shall demonstrate to the Township that the proposed non-standard individual sewage system meets all applicable Department regulations, that the applicant has obtained all necessary approvals and permits, and that the system has been installed in accordance with the Department's regulations and the manufacturer's requirements and recommendations. No occupancy permits shall be issued by the Township until the non-standard individual sewage system has been properly installed.

D. The applicant shall provide the Township with a complete set of as-built plans for the non-standard individual sewage system after its installation.

E. The applicant shall reimburse the Township for all costs incurred in the preparation of the agreement and its recording prior to the issuance of any permit by the Township.

4. Proper Operation and Maintenance of Non-Standard Individual Sewage System Required. All persons who own a lot upon which a non-standard individual sewage system is installed and all persons who occupy a lot on which a non-standard individual sewage system is installed shall properly use and maintain such non-standard individual sewage system. Proper maintenance of a non-standard individual sewage system shall include, at a minimum, but not be limited to:

A. Contracting with a qualified individual or firm for operation and maintenance of the non-standard individual sewage system as necessary to meet applicable Department regulations and to meet manufacturer's requirements and recommendations. Any such individual or firm shall have all licenses and certifications which the Department may require. The owner of the non-standard individual sewage system shall, if the Township requests, provide the Township with a copy of such contract.

B. Inspection of the non-standard individual sewage system at least once each year by the SEO or other person acceptable to the Township and each time the non-standard individual sewage system is maintained, each time that a malfunction of the non-standard individual sewage system is reported to the Township, and as may otherwise be necessary to insure the proper functioning of the non-standard individual sewage system.

C. Maintenance of surface contouring and other measures consistent with Department regulations to divert storm water away from the non-standard individual sewage system and, if applicable, absorption areas and to protect the absorption areas from physical damage.

D. Following any operation and maintenance recommendations of the manufacturer of the non-standard individual sewage system.

E. Taking all necessary action, including sampling, to insure that the effluent discharge from the non-standard individual sewage system meets any limitations for nitrogen, phosphorous or other pollutant imposed by the Department. All laboratory analyses required to be submitted by the Department or by Department regulations shall also be submitted simultaneously to the Township to be reviewed as appropriate by the SEO or his designee. During any period of time when the non-standard individual sewage system is inoperable and/or incapable of treating the discharged effluent to meet Department limitations, the owner of the non-standard individual sewage system shall immediately make the necessary arrangements to remove said effluent and arrange for the appropriate disposition of the effluent at a properly certified and licensed sewage disposal facility. The owner of the non-standard individual sewage system shall, upon request of the Township, provide an agreement with a hauler for such removal. The owner of the non-standard individual sewage system shall continue removing effluent in accordance with the provisions of this paragraph until such time as the non-standard individual sewage system has been properly certified as being operable by the Township Engineer, the SEO, or the Department.

F. Inspection of all disinfection equipment by the owner of the non-standard individual sewage system and by the maintenance contractor at frequencies required or recommended by the Department to insure proper functioning of the disinfection equipment. Any malfunctioning disinfection equipment shall be immediately repaired or replaced.

G. Preparation and maintenance of reports of all inspections of and any maintenance of the non-standard individual sewage system for at least five years. The owner of the non-standard individual sewage system shall allow inspection of all such records by Township representatives at reasonable times.

H. Discharging only domestic sanitary sewage into a non-standard individual sewage system. The following types of waste shall not be discharged into a non-standard individual sewage system:

- (1) Industrial waste.
- (2) Automobile oil, other non-domestic oil, grease, nonbiodegradable soaps, detergents and/or inert materials such as coffee grounds.
- (3) Toxic or hazardous substances or chemicals including but not limited to pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
- (4) Clean surface or ground water, including water from roof or cellar drains, sumps, basement sump pumps, and french drains.
- (5) Vehicle wash water and other potentially contaminated or clean run off or storm water.
- (6) Disposable products such as diapers, tampons, and similar materials.
- (7) Beauty shop waste other than a single chair beauty shop in conjunction with a residential use.
- (8) Abattoir or butcher shop waste.

5. Recovery of Township Costs. The owner of each community sewage system and the owner of each lot upon which a non-standard individual sewage system has been installed shall pay all Township costs associated with the inspection of such systems, review of required reports, and maintenance of Township records relating to the system. If the Township is required to perform any maintenance of a community sewage system or a non-standard individual sewage system, the owner of the community sewage system or lot upon which the non-standard individual sewage system is installed shall reimburse the Township the costs of such maintenance, plus a penalty of twenty-five percent of such costs, and the Township may secure recovery of such costs, including attorneys' fees, and penalties by filing a municipal lien against the property.

Section 3. All other sections, parts and provisions of Ordinance No. 98-2, the Martic Township Sewage Disposal System Ordinance, 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 Martic as provided by law.

DULY ORDAINED AND ENACTED this 4th day of March, 2013, by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MARTIC
Lancaster County, Pennsylvania

Attest: Karen D Sellers
(Assistant) Secretary

By: Don E. Bell
(Vice) Chair
Board of Supervisors

[TOWNSHIP SEAL]

CERTIFICATE

I, the undersigned, (~~Assistant~~) Secretary of the Township of Martic (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which was duly enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township of Martic at a meeting dully held on the 4th day of March, 2013; such Ordinance has been duly recorded in the Ordinance Book of the Township; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township of Martic met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. § 701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 4th day of March, 2013.

Karen D Sellers
(~~Assistant~~) Secretary

[TOWNSHIP SEAL]