
**AN ORDINANCE OF THE BOROUGH OF ABBOTTSTOWN
GOVERNING MUNICIPAL MANAGEMENT OF
ON-LOT SUBSURFACE SEWAGE DISPOSAL FACILITIES**

ORDINANCE NO. 2020-04

WHEREAS, the Borough Council of Abbottstown Borough, Adams County, Pennsylvania, desires to establish an Ordinance governing municipal management of on-lot subsurface sewage disposal systems.

NOW THEREFORE, be it enacted and ordained by the Borough Council of the Abbottstown Borough, Adams County, Pennsylvania, as follows:

SECTION 1: LEGISLATIVE AUTHORITY; PURPOSE.

A. As authorized by the Borough Code, the Clean Streams Law (35 P.S. §§ 691.1 to 691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. § 750.1 et seq.), Boroughs have the power and the duty 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 Abbottstown Borough has evaluated the need to implement an on-lot management program to effectively prevent potential water pollution and hazards to the public health caused by improper treatment and disposal of sewage.*

B. The purpose of this Ordinance is as follows:

1. To bring and keep the municipality within the requirements of the Clean Streams Law (Act of 1937, P.L. 1987, No. 394) and the Pennsylvania Sewage Facilities Act (Act of 1966, P.L. 1535, No. 537, as amended, known as "Act 537").
2. To provide for the inspection, pumping, maintenance and rehabilitation of private and public on-lot sewage systems.
3. To establish penalties and appeal procedures necessary for the proper administration of such a management program.

SECTION 2: DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated:

"ACT 537" The Act of January 24, 1966, P.L. 1535, No. 537, as amended, 35 P.S. § 750.1 et seq., known as the "Pennsylvania Sewage Facilities Act."

"AUTHORIZED AGENT" A certified sewage enforcement officer, registered pumper/hauler, code enforcement officer, professional engineer or any other qualified or licensed person who is delegated by the Borough to carry out the provisions of this Ordinance within specified limits.

"BOROUGH" Abbottstown Borough, Adams County, Pennsylvania.

"CESSPOOL" A below-ground cavity built of loose rock or blocks that provides for the temporary storage of sanitary sewage until the sewage drains into the surrounding area.

"CODE ENFORCEMENT OFFICER (CEO)" An agent of the Borough authorized to administer and enforce this Ordinance and other ordinances in the Borough .

"COMMUNITY SEWAGE SYSTEM" Any system, whether publicly or privately owned, for the collection of sewage from two or more lots and the treatment and/or disposal of the sewage on one or more lots or at any other site.

"COUNCIL" The Borough Council of Abbottstown Borough, Adams County, Pennsylvania.

"DEP or DEPARTMENT" The Department of Environmental Protection of the Commonwealth of Pennsylvania.

"INDIVIDUAL SEWAGE SYSTEM" A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of the Commonwealth of Pennsylvania.

"LOT" A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

"MALFUNCTION" The condition occurring when an on-lot sewage system causes pollution to groundwater or surface water, contamination of private or public drinking water supplies or nuisance problems or is a hazard to public health. Any treatment or holding tank observed to be leaking, or any instance where sewage is backing up into a building connected to the system, is considered a malfunction. Systems shall be considered to be malfunctioning if any of the conditions noted above occur for any length of time during any period of the year.

"MUNICIPALITY" Abbottstown Borough, Adams County, Pennsylvania.

"OFFICIAL ACT 537 SEWAGE FACILITIES PLAN" A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Borough and approved by the Pennsylvania Department of Environmental Protection, as described in and required by the

Pennsylvania Sewage Facilities Act, hereinafter called the "Plan". *It shall also mean the Abbottstown Borough Act 537 Plan, as amended.*

“ON-LOT MANAGEMENT PROGRAM” A comprehensive set of legal and administrative requirements, including this Ordinance, the Act, the Clean Streams Law and all regulations and requirements adopted by the Council to enforce and administer this Ordinance.

“ON-LOT SEPTIC SYSTEM REPORT” A form which shall be used by all registered pumpers/haulers to report each pumping of on-lot sewage disposal systems in the Borough .

“ON-LOT SEWAGE SYSTEM” Any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal, including both individual sewage systems and community sewage systems.

“OWNER” Any person having an equitable or legal interest in real estate in Abbottstown Borough.

“PERSON” Any individual, association, partnership, public or private corporation whether for profit or not-for-profit, trust, estate or other legally recognized entity.

“REGISTERED PUMPER/HAULER (PUMPER)” Person or organization licensed by the Adams County Solid Waste Authority and the Pennsylvania Department of Environmental Protection (PADEP) and registered with Abbottstown Borough annually.

“REHABILITATION” Work done to modify, alter, repair, enlarge or replace an existing on-lot disposal system.

“SEPTAGE” Any human excrement, other domestic or restaurant waste or other material or substance removed from a portable toilet, septic tank, seepage pit, treatment tank, cesspool or other enclosure used for the storage or decomposition of sewage, but does not include liquid industrial waste.

“SEPTIC SYSTEM REPORT” The Borough form to be completed by the pumper/hauler for each individual tank and forwarded to the Borough after each inspection and/or pumping.

“SEPTIC TANK” A watertight tank that provides for the treatment of sanitary sewage prior to its discharge to an absorption area.

“SEWAGE” Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals, and any noxious or deleterious substance which is harmful or inimical to 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 22, 1937 (P.L. 1987, No. 394), [1] known as the "Clean Streams Law," as amended.

“SEWAGE ENFORCEMENT OFFICER (SEO)” An agent of the Borough DEP certified to issue and review permit applications and conduct such investigations and inspections as are necessary to implement Act 537 and the rules and regulations promulgated thereunder.

“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 and sanitary treatment and disposal of sewage.

SECTION 3: APPLICABILITY TO ON-LOT SEWAGE SYSTEMS.

From the effective date of this Ordinance, its provisions shall apply to every owner of a lot served by an on-lot sewage system in Abbottstown Borough and all persons or businesses servicing on-lot sewage systems (constructing, pumping, inspecting or repairing on-lot sewage systems) within the Borough .

SECTION 4: PUMPING REQUIREMENTS; NOTIFICATION OF PROPERTY OWNERS; REPORT REQUIRED; ADDITIONAL MAINTENANCE.

A. Any person owning a building served by an on-lot sewage disposal system shall have the septic tank pumped by a registered pumper/hauler within one (1) calendar year of the effective date of this Ordinance and then on a reoccurring three-year cycle.

B. The Borough shall notify all property owners served by an on-lot sewage system that their systems must be pumped and inspected within 12 months of the date the notification letter is sent. Any person owning a building served by an on-lot sewage system within the sewage management district which contains a treatment tank shall have the tank pumped by a registered pumper/hauler. The property owner must have his system pumped within the time period specified in the Borough 's notification letter unless he can provide the Borough with a receipt or other written evidence showing that his tank has been pumped within the past one year. Property owners providing such written documentation satisfactory to the Borough can request that the Borough Council grant a postponement of the initial required pumping until the end of a three-year period following enactment of this Ordinance. The decision to grant or deny the request shall be final.

C. The registered pumper/hauler shall provide a fully completed and legible septic system report to the Borough within 30 days of the date of pumping. The pumper shall mail or hand deliver the septic system report to the Borough at 241 High Street, Abbottstown, PA 17301.

D. Commencing from the date of pumping as prescribed in Subsection A above, removal of septage or other solids from treatment tanks shall be performed every three years or whenever an inspection program reveals the treatment tanks are filled with solids in excess of 1/3 the liquid depth of the tank or filled with scum in excess of 1/3 the liquid depth of the tank.

E. The required pumping frequency may increase at the discretion of the SEO for the following reasons:

1. If the tank is undersized;
2. If solids buildup in the tank is above average;
3. If the hydraulic load on the system increases significantly above average;
4. If a garbage grinder is used in the building; or
5. If the system malfunctions or for other good cause not shown (as determined by the SEO and approved by the Borough Council).

F. Treatment tanks to be pumped more frequently than the required three years must have a septic system report prepared and provided to the Borough within 30 days of each pumping occurrence.

G. Tanks shall be deemed to be pumped when all organic solids are removed and the total average liquid depth remaining in the tank is less than one inch.

H. Holding tanks shall be pumped out at intervals that prevent the overflow, leakage, backup and other malfunctions characteristic of an overloaded system.

I. The owner of a property upon which an on-lot sewage 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 other on-lot sewage system components.

J. Tanks shall only be pumped from/through the manhole/access port, i.e., the largest tank opening. Tanks shall not be pumped from/through the observations port.

K. Any person owning a building served by an alternate system or on-lot sewage system that contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Borough within six months of the effective date of this Ordinance. Thereafter, service receipts shall be submitted to the Borough at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals exceed those required for septic tanks.

L. The Borough may require additional maintenance activity as needed, including but not necessarily limited to:

1. Cleaning and unclogging of piping;
2. Servicing and repair of mechanical equipment;
3. Leveling of distribution boxes, tanks and lines;
4. Removal of obstructing roots or trees;
5. The diversion of surface water away from the disposal area; or
6. Other means acceptable to the SEO and PADEP.

SECTION 5: INSPECTION OF SYSTEMS; PUMPER/HAULER RESPONSIBILITIES; REPORTS; MALFUNCTIONING SYSTEMS.

A. An initial inspection and subsequent periodic inspections shall be conducted when an on-lot system is pumped. Inspections shall be conducted by a registered pumper/hauler for the purpose of determining a system's functional status. The individual property owner is responsible to contact and make arrangements directly with the pumper/hauler.

B. An on-lot septic system report of the inspection shall be prepared by the registered pumper/hauler and furnished to the owner of each property inspected. The pumper/hauler shall also provide a copy of said report to the Borough within 30 days of the inspection.

1. When the pumper/hauler finds possible indications of malfunction, he/she will notify Abbottstown Borough within 24 hours of the inspection.

C. Written reports shall be recorded on the Abbottstown Borough on-lot septic system report form. The pumper shall legibly and fully complete the form to address all requested information.

D. The Abbottstown Borough SEO shall inspect systems known to be, or alleged to be, malfunctioning. Should the said inspection reveal that the system is indeed malfunctioning, the Borough's SEO shall take action to require the correction of the malfunction.

1. The Borough SEO may inspect any on-lot sewage disposal system at any time after reasonable notice is given to the property owner or the occupier of the property.

2. The Borough SEO shall have the right to enter upon land for the purpose of inspections as described above.

3. The SEO inspection may be due to information derived from the On-Lot Septic System Report or a formal written complaint.

4. The inspection may include a physical tour of the property; the taking of samples from surface water, wells or other groundwater sources; the sampling of the contents of the sewage 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. The owner will bear the cost of the inspection and the analysis of any samples.

SECTION 6: WASTE DISCHARGES.

A. Only normal domestic wastes shall be discharged into any on-lot sewage system. The following shall not be discharged into the system:

1. Industrial wastes;
2. Automobile oil and other nondomestic oil;
3. Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants, acids, paints, thinners, herbicides, gasoline and other solvents;
4. Clean surface water or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains.

B. If any of the above materials listed in Section 6 A 1, 2, or 3 are found during the inspection, additional pumping, additional treatment and/or possible environmental action will be taken.

SECTION 7: GROUND MARKERS REQUIRED; TANK ACCESSIBILITY.

A. To facilitate the inspection and maintenance of on-lot sewage disposal systems, all persons owning a lot served by an on-lot sewage system shall mark the location of the septic tank and provide access (by excavating if necessary) to the large inner lid(s) of the tank. In the event a property owner does not know where the tank is located the property owner must advise pumper accordingly.

B. Any person who shall install new or rehabilitated on-lot sewage systems shall provide a marker or markers at ground level locating all major subsurface components of the system. Accessibility for visual inspection and maintenance shall be provided in the drainage fields via four-inch vertical, nonperforated PVC pipe connected directly to the drain tile at a minimum of four locations in the drainage field, and such installation shall be subject to Borough SEO approval.

SECTION 8: SYSTEM REHABILITATION.

A. The Borough 's Sewage Enforcement Officer shall have the authority to require the repair of any malfunction of an on-lot septic system in accordance with regulations and policies established by the Pennsylvania Department of Environmental Protection in the Sewage Facilities Act.

B. In lieu of, or in combination with, the remedies described above, the SEO 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. Wastewater regeneration in the structure may also be reduced by requiring changes in water usage patterns in the structure served.

SECTION 9: CORRECTION OF IMMINENT HEALTH HAZARD; LIEN OF PROPERTY.

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

SECTION 10: DISPOSAL OF SEPTAGE.

A. All septage originating within the Borough shall be disposed of at sites or facilities approved by the DEP.

B. Septage pumpers/haulers operating within the Borough shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101 through 6018.1003).

SECTION 11: ADMINISTRATION; OWNERSHIP AND AVAILABILITY OF RECORDS; FEES.

A. The Borough shall employ qualified individuals to carry out the provisions of this Ordinance. The Borough may also contract with private, qualified persons or firms, as necessary, to carry out the provisions of this Ordinance.

B. All permits, records, reports, files and other written material relating to the installation, operation, maintenance and malfunction of on-lot sewage systems in the Borough shall become the property of the municipality. Existing and future records shall be available for public inspection during required business hours at the Borough office. All records pertaining to

sewage permits, building permits, occupancy permits and all other aspects of the municipality's on-lot management program shall be made available, upon request, subject to the provisions of the Right-to-Know Law (65 P.S. §§67.101-67.3104).

C. The Borough Council shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.

D. The Council may establish a fee schedule, and subsequently collect fees, to cover the cost to the Borough of administering this program.

SECTION 12: APPEALS.

Any person aggrieved with the actions of the Sewage Enforcement Officer or any other authorized agent of the Borough may file an appeal in accordance with Act 537. (See 35 P.S. § 750.16.)

SECTION 13: VIOLATIONS AND PENALTIES; MUNICIPAL LIABILITY; USE OF RECORDS.

A. Any person who shall violate or fail to comply with any provision of this Ordinance shall, upon conviction thereof by a summary proceeding action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$100 nor more than \$1,000, plus all court costs, or imprisonment, all pursuant to the purposes and mandate of Act No. 172 of 1996, as amended. Each day's continuance of a violation of this Ordinance shall constitute a separate offense.

B. The discharge by the Borough of its obligations as set forth in this Ordinance shall create no liability upon the Borough, its officials, employees or agents.

C. All reports, inspections, appraisals, certifications or records required or produced by the Borough, its officials, employees or agents, as required by this Ordinance, shall be for the use and benefit of the Borough only and shall not be accepted, utilized or relied upon by any other person or party by way of certification or otherwise.

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SECTION 14: EFFECTIVE DATE.

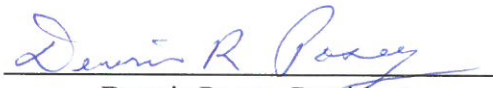
This Ordinance shall take effect five (5) days after adoption.

DULY ADOPTED this 16th day of July 2020, by the Borough Council of Abbottstown Borough, in lawful session duly assembled.


ATTEST:

ABBOTTSTOWN BOROUGH


David W. Bolton, Secretary


Dennis Posey, President

Approved this 16th day of July 2020.


Honorable Duane Watson, Mayor

CERTIFICATION

I hereby certify that I am the Secretary for Abbottstown Borough, Adams County, Pennsylvania, and that Ordinance No. 2020-04 was advertised in The Gettysburg Times on July 4, 2020, a newspaper of general circulation in the municipality, was available at the Borough Office and online at the Borough website during this same period, was duly enacted and approved as set forth at the regular meeting of the Abbottstown Borough Council held on July 16, 2020 and that this is a true and correct copy of that Ordinance.



David W. Bolton, MBA, CBO

July 16, 2020

Date