

ORDINANCE #104

AN ORDINANCE OF THE TOWNSHIP OF MILFORD, BUCKS COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE MAINTENANCE, INSPECTION AND REPAIR OF ONLOT SEWAGE SYSTEMS, COMPLIANCE NOTICES AND PENALTIES FOR VIOLATIONS THEREOF.

BACKGROUND

A. Milford Township is a Township of the second class in the Commonwealth of Pennsylvania.

B. The Board of Supervisors of Milford Township finds it is in the interests of the health, safety and welfare of the citizens of the Township to provide for the proper management, care and control of on site sewage systems in the Township and to provide for the inspection and maintenance of onlot sewage systems.

NOW THEREFORE, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Milford Township as follows:

SECTION I

1.01 Short Title and Purpose

A. This Ordinance shall be known and may be cited as “The Onlot Sewage System Management Ordinance for Milford Township.”

B. As mandated by the Clean Streams Law (35 P.S. S691.1) and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 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 the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Sewage Facilities Plan Update for Milford Township; indicates a commitment to formulate and implement an onlot management program for all lots within the Township utilizing onlot sewage systems.

C. The purpose of this Ordinance is to provide for the maintenance, inspection and repair of onlot sewage systems; and to establish responsibilities for the proper administration of a sewage management program.

1.02 Definitions

ABSORPTION AREA – a component of an individual or community sewage system where liquid from a septic 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.

CERTIFIED SEPTIC SYSTEM INSPECTOR – an individual qualified to perform septic system inspections as evidenced by a Sewage Enforcement Officer license issued by the Commonwealth of Pennsylvania or successful completion of inspection training through the Pennsylvania Septage Management Association.

ONLOT SEWAGE SYSTEM – A system of piping, tanks or other facilities serving either a single lot or two or more lots and collecting, treating and disposing of domestic sewage into an absorption area.

LICENSED SEWAGE HAULER – a sewage hauler licensed by the Bucks County Department of Health.

PERSON – an individual, association, public or private corporation for profit or not-for-profit, partnership, firm, trust, estate, department, board, bureau or agency of the United States Commonwealth, political subdivision, municipality, district, authority or other legal entity which is recognized by the law as the subject of rights and duties. The term includes members of an association, partnership or firm and the officers of a local agency or municipal, public or private corporation for profit or not-for-profit.

TOWNSHIP – The Township of Milford

TREATMENT TANK – a tank that provides for aerobic or anaerobic decomposition of sewage to take place prior to discharge to an absorption area. This term shall also include cesspools.

1.03 Responsibilities of Persons Who Own Properties Served by Individual Onlot Sewage Systems.

Every person who owns a property on which an onlot sewage system is located within Milford Township shall comply with the following:

A. Treatment Tank Pumping

1. Have the treatment tank on the property cleaned every five years or whenever an inspection of a treatment tank reveals that the treatment tank is filled with solids or scum in excess of 1/3 the liquid depth of the tank.
2. Provide the Township with a receipt documenting the date on which the tank was cleaned by a licensed sewage hauler or inspected by a certified septic system inspector documenting that the solids and scum in the tank have not reached a depth that requires cleaning in accordance with the criteria of Section 1.03 A 1. Such receipt must be submitted to the Township within 30 days of the caning of inspection.

B. Onlot Sewage System Repair

1. Have the onlot sewage system on the property repaired if the onlot system inspection identifies an unsatisfactory condition. The system shall be repaired within 60 days from the date the unsatisfactory condition was identified, weather permitting.
2. Provide the Township with a receipt documenting the date on which the system was repaired along with a copy of the Bucks County Department of Health Permit authorizing the repair. Such receipt and permit must be submitted to the Township within 30 days of the repair.

C. Use and Occupancy Permit Required

Upon sale or rent of any dwelling which is served by an onlot septic system, the owner must provide documentation of compliance with this Ordinance as a prerequisite to the issuance of a use and occupancy permit.

1.04 Notice to Comply/Notice of Non-Compliance

The Board of Supervisors of Milford Township, or any officer of the Township designated thereby for this purpose, is hereby authorized to give notice, by personal service or by United States mail, to the person who owns a property on which an onlot sewage system is located, requiring such owner to pump, inspect or repair the onlot sewage system and provide the Township with a receipt and other specified information documenting the date on which the onlot sewage system was pumped, inspected or repaired.

1.05 Fees

Costs for the municipal administration of the management program, including maintaining onlot sewage system information and monitoring compliance shall be assessed to property owners included in the program in an amount set by Township resolution. It shall be each individual property owner's responsibility to contract with a licensed sewage hauler and certified onlot sewage system inspector for the pumping and inspection of the onlot sewage system.

1.06 Enforcement remedies

A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by Milford Township, pay a judgment of not more than One Thousand (\$1,000.00) Dollars, plus all court costs, including reasonable attorney fees incurred by Milford Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, Milford Township may enforce the judgement pursuant to the applicable rules of civil procedure. Each day a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

C. District Justices shall have initial jurisdiction in proceedings brought under this Section. However, nothing contained herein shall be construed or interpreted to prevent to Township from bringing any other action, including an injunction action to enforce the provisions hereof.

SECTION II

2.01 Effective Date

This Ordinance shall become effective five (5) days after the final enactment or adoption and shall remain in full force and effect until amended or revoked. Each person owning a lot served by an onlot sewage system shall provide evidence within one (1) year from the effective date of this Ordinance that the system was pumped or inspected in compliance with this Ordinance.

2.02 Severability

Each of the provisions of this Ordinance are severable and if any provision is held invalid, the remaining provisions shall not be affected but shall remain in full force and effect.

SECTION III

All Ordinances and Resolutions or parts thereof insofar as they are inconsistent are hereby repealed.

ENACTED and **ORDAINED** and **ENACTED** this 19th day of August A.D.1997

ATTEST:

BOARD OF SUPERVISORS OF
MILFORD TOWNSHIP

Janya Awckland, Secretary

Charles Strunk, Chairman

Robert B Mansfield

John Moyer