

## **ORDINANCE #108**

AN ORDINANCE OF THE TOWNSHIP OF MILFORD, BUCKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE #104 TO PROVIDE FOR THE MAINTENANCE, INSPECTION AND REPAIR OF EXISTING AND FUTURE ONLOT SEWAGE SYSTEMS. INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEMS, SMALL FLOW TREATMENT SYSTEMS, HOLDING TANKS AND ALTERNATIVE TREATMENT 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 its citizens to provide for the proper management, care, maintenance, repair and control of all present and future individual on-lot sewage disposal systems in the Township and to provide for the inspection and maintenance of on-lot 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 On-lot Sewage System Management Ordinance for Milford Township.”
- B. As mandated by the Clean Streams Law (35 P.S. §691.1) 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 on-lot management program for all lots within the Township utilizing on-lot sewage systems.
- C. The purpose of this Ordinance is to provide for the maintenance, inspection and repair of all present and future individual on-lot sewage disposal systems, as hereafter described; 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.

HOLDING TANK – a tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.

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.

ON-LOT 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 or 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.

SMALL FLOW TREATMENT FACILITIES – An individual or community sewage system designed to adequately treat sewage flows not greater than two thousand (2,000) gallons per day for final disposal using a stream discharge or other disposal methods approved by the Department of Environmental Protection (“DEP”).

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.

## SECTION II - Existing Individual On-lot Sewage Systems

### 2.01 – Responsibilities of Persons Who Own Properties Served by – Individual On-lot Sewage Systems.

Every person who owns a property within Milford Township on which an individual on-lot sewage system is located and was in existence on the effective date of this Ordinance shall comply with the following;

#### A. Treatment Tank Pumping

1. Have the treatment tank on the property cleaned a minimum of every three years or more often if 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. Such receipt must be submitted to the Township within thirty (30) days of the cleaning, and in any event, prior to the issuance of a Use and Occupancy (U & O) permit on the resale or other transfer of the property.

#### B. Sewage Management Fee

1. Prior to the issuance of a Use and Occupancy Permit involving new construction, resale, or change of tenants in a dwelling using an individual on-lot sewage system, the owner shall pay to Milford Township a \$50 Sewage Management Fee and, ex-

cept for new construction, provide the township with a receipt documenting the date the treatment tank was cleaned by a licensed sewage hauler.

2. Sewage Management Fees shall be placed in a separate account. These fees shall be used for sewage management education and the administration of Milford's Sewage Management Program.

### SECTION III – Operation and Maintenance of Individual Residential Spray Irrigation Systems.

3.01 Every person who applies for a building permit to construct a new residence or other building which is to be serviced by an IRSIS for which a Bucks County Department of Health permit is issued after the effective date of this Ordinance, shall comply with the provisions of this SECTION III as hereafter set forth.

3.02 prior to the issuance of a building permit for any lot whose sewage needs are proposed to be served by an IRSIS, the property owner shall execute an Operation and Maintenance Agreement for the IRSIS in a form which can be recorded in the Office of the Recorder of Deeds of Bucks.

3.03 Prior to the issuance of a building permit for any residential dwelling for which an IRSIS is proposed, property owner shall pay to the Township an amount of \$1,500 as a Sewage Management Fee.

3.04 The IRSIS shall be approved by BCDH, as to its design, construction and installation. The consultant for the property owner shall certify to the Township and the BCDH that the design, construction and installation of the facility and its "start up" have been completed for each lot in accordance with permits granted by the BCDH.

3.05 Simultaneously with submission of an IRSIS application to the BCDH, property owner shall submit to Township, for review, an Operation and Maintenance Manual for the IRSIS together with a pamphlet or other document in form satisfactory to the Township, summarizing the operation and maintenance requirements of the IRSIS and including the estimated annual cost of operating and maintaining same. A set of design plans for the IRSIS shall be submitted with the Operation and Maintenance Manual.

3.06 Prior to the execution of an Agreement of Sale for any property or lot whose sewage disposal needs are to be met by an IRSIS (including re-sales or such lots), Seller shall provide Buyer with a copy of the pamphlet approved by the Township summarizing the operation and maintenance requirements of the IRSIS and provide in the Agreement of Sale Buyer's acknowledgement of the receipt of same. The Operation and Maintenance Manual shall be provided to the Buyers at the time of settlement.

3.07 The Operation and Maintenance Manual shall describe in reasonable detail the method of operation and required periodic inspection and maintenance of the components of the IRSIS, including, but not limited to, as applicable, spray nozzle heads, treatment tank, dosing tank, intermittent sand filters, chlorine contact tank, storage tank, chlorinator, and all electrical and mechanical control mechanisms.

3.08 The Operation and Maintenance Manual shall include formatted charts for the purpose of keeping a record as to the dates of all required inspections, maintenance, repair and/or replacements of components of the IRSIS together with a check mark system indicating the performance of the specific inspection, maintenance, repair and replacement task, an indication of the type of service, repair or replacement performed and the name of the person (s) who performed the inspection, maintenance, repair or replace-

ment. The forms of the inspection, maintenance, repair and replacement charts shall be included in the Operation and Maintenance Manual.

3.09 The owner of any property whose sewage disposal needs are met by an IRSIS shall maintain an up-to-date record of all service calls, inspections, maintenance, repairs and replacements performed on the IRSIS which records shall be available for inspection by the Milford-Trumbauersville Area Sewer Authority ("MTASA") or other designee of the Township without prior notice. Property owners shall forward quarterly copies of above records to MTASA or other Township designee.

3.10 The IRSIS shall have external controls placed in a weather proof locked box accessible to the MTASA or other designee of the Township. The MTASA, or other Township designee, shall be provided with keys to the locked box. Property owners shall consent to the MTASA, or other Township designee, entering upon the property, not less than every six months nor more than quarterly, without prior notice, to inspect all components of the IRSIS as identified in Section 73.167 of the Pennsylvania Code, and to perform not less than every six (6) months nor more than quarterly a water analysis of the discharged effluent to confirm that said discharge meets or exceeds the required levels of treatment required of such systems by BCDH. Testing shall occur at the nozzle heads and shall include testing for residual chlorine, fecal coliform, biochemical oxygen demand (BOD), suspended solids (SS) as well as for any other substances for which testing is required by BCDH.

3.11 In the event that it is determined upon any inspection by MTASA, or other designee of the Township, that any repair and/or replacement of any component is required to bring the spray irrigation system into compliance with BCDH or DEP Regulations, MTASA, or other Township designee, shall issue a Correction Order designating the system repair required and the date by which such correction and/or replacement shall be accomplished. The Correction Order may require that effluent from the IRSIS be pumped by a qualified hauler until such system repair and/or replacement is accomplished. Upon completion of the repair and/or replacement, the MTASA, or other designee of the Township, shall re-inspect the system to determine compliance with the correction order and issue a certificate of correction or a further correction order, if deemed necessary. Additionally, the MTASA, or other Township designee, at the time of its inspection shall also inspect the records maintained by the lot owner to determine whether the system is being properly maintained. The MTASA, or other Township designee, shall have the authority to issue a Maintenance Order directing that any required maintenance be performed, at what intervals, as well as directing the proper record keeping with reference to the maintenance and repair of the system.

3.12 In the event a property owner fails or refuses to permit MTASA, or other Township designee, on the property to perform the inspections the inspections required, or to perform any work required by the correction order or the maintenance order, the Township, MTASA, or other designee of the Township, shall have the right (but no obligation) to enter upon the premises, conduct said inspections, and to perform any repairs or replacements with respect to the IRSIS, all of which shall be made at the cost and expense of the property owner. Prior to entering upon the premises and performing any repairs or replacements of an IRSIS or its component parts, the Township, MTASA, or other designee of the Township, shall provide property owner five (5) business days advance written notice of its intention to enter upon the premises for these purposes. The property owner shall have the right to comply with the terms of this Agreement

within that five (5) day period. Any notice required by the terms of this Agreement shall be sufficient if sent to property owner's last known address by regular mail.

3.13 During the period of time when an IRSIS is inoperable and/or incapable of treating the discharged effluent so as to meet and/or exceed those standards of the BCDH or DEP as aforesaid, property owner shall make the necessary arrangements to remove said effluent and arrange for the appropriate disposition of same at a properly certified and licensed sewage disposal facility. In the event the property owner shall fail to make the necessary arrangements for the removal of said effluent, the Township, MTASA, or other Township designee, shall have the right, upon 48 hours written notice to Property owner, to enter upon the premises and cause said effluents to be removed. Where the property owner causes the effluents to be removed, he, she or they, upon request of the Township, MTASA, or other Township designee, shall provide an Agreement with a hauler providing for the removal and an Agreement with the receiving facility. The terms of removal provided in such Agreement shall be determined at such time as the IRSIS is in operation and its loading rate determined and the recommendations of the D.E.P. and/or Bucks county Department of Health as to said requirements shall be binding on the parties. The property owner agrees to continue hauling effluent until such time as the IRSIS has been properly certified as being operable by the BCDH and the MTASA or other Township designee.

3.14 The Township or the MTASA shall, by resolution duly adopted, establish the amount of an annual fee for the inspections described herein and administrative costs associated therewith. The resolution of the Township or the MTASA shall establish the date upon which such annual fee shall be paid.

3.15 Any costs incurred by the Township, MTASA, or other Township designee, for inspections, repairs, and/or replacement of the IRSIS or its component parts or in the removal of effluents in accordance with the terms of this Ordinance, shall be recoverable by the Township from the property owner. In the event the property owner (or their heirs or assigns) fails to pay the Township for such costs or expense, then the Township shall have the right to: - 1) sue the said property owner in assumpsit for reimbursement of its costs; and/or - 2) to cause a lien to be placed on the property in the amount of said expense or both.

3.16 Nothing contained herein shall be construed to waive, affect or alter any requirements of the Zoning, Land Development and Subdivision or other Ordinances of Milford Township and nothing contained herein empowers any Township officer or employee to waive any requirements of such Ordinances.

3.17 Prior to the operation of an IRSIS, and prior to the issuance of an Occupancy Permit for any residence to be served by an IRSIS, property owner shall provide a set of As-Built plans sealed by an Engineer along with a copy of the Operation and Maintenance Manual. The As-Built set of plans and Manual shall also be sent to BCDH. A letter from property owner's Consultant shall also accompany plans indicating the IRSIS is built according to its design.

3.18 The Operation and Maintenance Agreement or a Memorandum thereof shall be recorded in the Office for the Recording of Deeds in and for the County of Bucks and that this Agreement shall be binding upon property owner, his, her or their heirs, administrators, executors, successors, and assigns.

SECTION IV – Small Flow Treatment Facilities with Surface Discharge and Holding Tanks Approved by the Department of Environmental Protection.

4.01 The Board of Supervisors of Milford Township finds and determines that the sewage needs of the development districts within the Township are adequately met by the public sewer system operated and administered by the Milford –Trumbauersville Area Sewer Authority. The Board further finds and determines as to those areas of the Township that are not serviced by public sewer adequate provision is made for the sewage needs of those areas by the sewage facilities plan and the means of on-site sewage disposal provided for herein. It is not the policy of Milford Township to permit small flow treatment systems or holding tanks-to meet sewage needs within the Township. In the event DEP approves a private request for a type of sewage disposal system not addressed by this Ordinance or otherwise approves such a system to be operated or established within the Township, a property owner who obtains approval for the installation and operation of such a system from DEP shall enter into an Operation and Maintenance Agreement in a form approved by the Township and consistent with the requirements of Title 25 of the Pennsylvania Code including, but not limited to the requirements of 25 PA Code §71.63, §71.64.

SECTION V – Permits, Fees and Enforcement.

5.01 Use and Occupancy Permit Required

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

5.02 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 on-lot sewage system is located, requiring such owner to pump, inspect or repair the on-lot sewage system and provide the Township with a receipt and other specified information documenting the date on which the on-lot sewage system was pumped, inspected or repaired.

5.03 Fees

Cost for the municipal administration of the management program, including maintaining on-lot 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 on-lot sewage system inspector for the pumping and inspection of the on-lot sewage system.

5.04 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 judgment, 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 (5<sup>th</sup>) 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 the Township from bringing any other action, including an injunction action to enforce the provisions hereof.

## SECTION VI MISCELLANEOUS PROVISIONS

### 6.01 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 on-lot 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.

### 6.02 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.

### 6.03 Inconsistent Enactment's

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

ENACTED and ORDAINED and ENACTED this 15<sup>th</sup> day of December A.D. 1998

BOARD OF SUPERVISORS OF  
MILFORD TOWNSHIP

Charles Strunk, Chairman      Robert Mansfield      Thomas Courduff

Attest: Janya Awckland, Secretary