

AN ORDINANCE REGULATING THE CONSTRUCTION, INSTALLATION, ALTERATION, REPAIR, CONNECTION, AND EXTENSION OF ALL SEWAGE DISPOSAL SYSTEMS WITHIN THE LIMITS OF LOWER CHANCEFORD TOWNSHIP; AUTHORIZING THE ISSUANCE OF PERMITS; PROVIDING FOR PERMIT FEES; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania, as follows:

SECTION 1. It shall be unlawful for any person, firm, association, or corporation to erect, construct, install, alter, repair, connect to, or extend any sewage disposal system of any kind within the limits of Lower Chanceford Township or to have present on his property in Lower Chanceford Township any sewage disposal system of any kind which has been erected, constructed, installed, altered, repaired, connected to, or extended after January 1, 1971 without a permit having been issued pursuant to this Ordinance permitting such erection, construction, installation, alteration, repair, connection, or extension and unless all of the provisions of the "Pennsylvania Sewage Facilities Act" and the regulations issued pursuant thereto respecting the erection, construction, installation, alteration, extension, repair, operation, and maintenance of the sewage disposal have been complied with; excepting that no permit shall be required to permit connection of an existing sewage disposal system, which is not malfunctioning, to a new dwelling replacing a previously existing dwelling served by such sewage disposal system within one (1) year following the cessation of use of the previously existing dwelling for residential purposes and further, no permit shall be required for the construction, erection, installation, alteration, repair, or extension of an individual on-lot sewage system if:

- (1) the system being erected, constructed, installed, altered, repaired, connected to, or extended serves a dwelling which existed on January 10, 1987; and
- (2) the system serves a residential structure occupied by the owner of the property or a member of his immediate family (for purposes of this section "immediate family" shall mean brother, sister, son, daughter, stepson, stepdaughter, grandson, granddaughter, father or mother of the property owner); and
- (3) the property on which the system is located or is to be located contains at least ten (10) acres; and
- (4) the owner of the property at the time of the erection, construction, installation, alteration, repair, connection, or extension is the same owner as on January 10, 1987; and
- (5) the perimeter of the septic tank and absorption area is

located at least two hundred (200) feet from the perimeter of any boundary line, nonutility right-of-way, one hundred (100) year flood plain, or any river, stream, creek, impoundment, well, water porch, storm sewer, lake, dammed water, pond, spring, ditch, wetland, water supply, or any other body of surface water and ten (10) feet from any utility right-of-way; and

- (6) the property owner notifies the Township Board of Supervisors prior to such erection, construction, installation, alteration, repair, connection, or extension and pays to the Township a fee of \$25.00 to defray the cost of the Township verifying compliance with subparagraph 5 hereof.

SECTION 2. It shall be unlawful for any person, firm association, or corporation to maintain or use any sewage disposal system of any kind so that vectors (insects and rodents capable of carrying disease) may have access to the excrementitious matter contained thereon or so that such sewage disposal directly or indirectly drains or discharges over or upon the surface of the ground or into any waters of the Township. It shall also be unlawful for any person, firm, association, or corporation to fail to comply with the requirements set forth in subparagraphs (a) and/or (b) of this paragraph.

- (a) In the event any sewage disposal system shall be in violation of this section of this Ordinance, the owner of such system shall within two (2) days of the occurrence of such violation apply to the Sewage Enforcement Officer for a permit to repair or replace such system, unless pursuant to Section 1 of this Ordinance, a permit for the required repair or alteration is not required, in which case the owner shall within ten (10) days repair the system, and within ten (10) days of being requested to do so, shall make such tests as the Sewage Enforcement Officer deems necessary to enable him to determine whether the sewage disposal system can be repaired and, if so, how it can be repaired, or if it cannot be repaired, whether it can be replaced and if so, how it can be replaced. The Sewage Enforcement Officer shall investigate the conditions and evaluate the tests made by the owner, and if he determines the system can be repaired, or alternatively be replaced, he shall issue a permit authorizing such repair or replacement. He shall set forth on the permit or on an attachment thereto, the steps that the owner is to take to effect the repair and/or replacement of the system.
- (b) The owner shall within ten (10) days of the issuance of such permit, complete the repair and/or

replacement of such permit, complete the repair and/or replacement of the sewage disposal system in accordance with the requirements set forth on the permit or on the attachment thereto unless the Sewage Enforcement Officer grants an extension of time in writing in which event the repair and/or replacement shall be completed within the extended time. No work shall be covered until inspected by the Sewage Enforcement Officer.

SECTION 3. It shall be unlawful for any person, firm, association or corporation to occupy a building or structure or permit a building or structure to be occupied as a dwelling unless such building or structure is served by a sewage disposal system which is in compliance with all of the provisions of the "Pennsylvania Sewage Facilities Act" and the regulations issued pursuant thereto.

SECTION 4. All applications for permits shall be made to the Township Secretary, who shall refer such applications to the Permit Officer or enforcement official designated by the Board of Supervisors of Lower Chanceford Township, who shall evaluate the application's soil conditions to insure compliance with the "Pennsylvania Sewage Facilities Act", the regulations issued pursuant thereto and with this Ordinance. The applicant shall dig such holes as may be required by the Sewage Enforcement Officer in order to conduct percolation tests and evaluate soil conditions.

All percolation tests and/or probe hole evaluations shall be performed by the Lower Chanceford Township Sewage Enforcement Officer or someone specifically approved by him.

SECTION 5. Applications for permits shall be in writing, shall be signed by the applicant, and shall be on the standard form adopted by or prescribed by the Pennsylvania Department of Environmental Protection and/or by Lower Chanceford Township. Any system for which a permit is granted shall be completed within twelve (12) months of the date of the granting of the permit.

SECTION 6. The fees to be paid at the time of the application shall be:

- (a) \$425.00 in the event the application is for a new installation. This shall cover the evaluation of percolation tests, probe hole analysis of one probe hole, application fee, and final inspection.
- (b) \$85.00 in the event the application is for the repair of a malfunction between the house or business and the septic tank.

In addition to the above, the applicant shall pay \$50.00 for each trip to inspect the final installation in excess of one.

No fee shall be refunded to the applicant in the event a permit is not granted or in the event the evaluation of percolation tests and/or analysis of probe holes causes the Permit Officer to reject the lot as a site for an on-site sewage disposal system. All tests required by any application not performed by the Township permit or Enforcement Officer shall be performed by the applicant at his own expense in a manner satisfactory to the Permit or Enforcement Officer.

SECTION 7. Any person, firm, association, or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof before a District Magistrate, be subject to a penalty in the amount of One Thousand (\$1,000.00) Dollars for each and every offense. Each and every day that a violation of any provision of this Ordinance continues shall constitute a separate and distinct offense and shall be subject to separate and distinct penalties hereunder.

SECTION 8. Any person who shall interfere with the Township Sewage Enforcement Officer in conducting any inspections necessary to insure compliance with the requirements of this Ordinance or with the requirements imposed upon the Township by the "Pennsylvania Sewage Facilities Act" shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine of not less than Five Hundred (\$500.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars plus costs or to imprisonment not to exceed ninety (90) days or both.

SECTION 9. The Township shall have the right to bring such actions in law or equity as it may deem appropriate to prevent, restrain, correct, or abate any violations of any provision of this Ordinance.

SECTION 10. In addition to other remedies available under this Ordinance or otherwise available at law or in equity for a violation of any provision of this Ordinance, the Township may, after notice and hearing, assess a civil penalty against any person, firm, association, or corporation in violation of any provision of this Ordinance and may assess the damages caused by such violation and the cost of correcting such violation to the person, firm, association, or corporation found in violation or to the owner of any property on which such violation occurred. Before assessing a civil penalty or such costs, the Township shall provide the violator with a notice of proposed assessment which cites the violation of this Ordinance, which notice and procedure following such notice shall comply with all the procedures set forth in Sections 13.1 and 13.2 of the "Pennsylvania Sewage Facilities Act" all of which provisions are incorporated herein by reference. The civil penalty of assessed pursuant to this section shall not be less than Three Hundred (\$300.00) Dollars nor more than Two Thousand Five Hundred (\$2,500.00) Dollars for each violation. Each week that a violation continues shall constitute a separate and distinct violation on account of which separate and distinct civil penalties may be assessed.

SECTION 11. No person, firm, association, or corporation which has been in violation of any of the provisions of this Ordinance, shall subsequently be issued a permit to erect, construct, alter, or extend any sewage disposal system of any kind until the previous violation has been cured by the securing a permit.

For purposes of the interpretation of this section, the person, firm, association, or corporation applying for a permit, hereinafter referred to as "Applicant", shall be considered the identical person, firm, association, or corporation as the one in violation, hereinafter referred to as "Violator", if at least twenty (20%) percent of the ownership equity in both the "Applicant" and the "Violator" can be attributed to the same person, firm, association, or corporation. For purposes of this section, a person, firm, association, or corporation shall have attributed to him:

- (a) All of the equity, stock, or partnership share owned by a corporation in which he and his spouse own at least fifty (50%) percent of all of the outstanding voting stock.
- (b) With respect to a corporation in which he and his spouse own less than fifty (50%) percent of the outstanding voting stock, the same percentage of the ownership equity, stock, or partnership share that the voting stock owned by him and his spouse bears to the entire outstanding voting stock of the corporation.
- (c) All of the equity, as tenants in common, joint tenants, or tenants by the entireties, owned by him and his spouse.
- (d) All of the equity owned by a partnership in which the value of the partnership shares owned by him and his spouse is at least fifty (50%) percent of the value of all of the partnership shares.
- (e) With respect to a partnership in which the value of the partnership shares owned by him and his spouse is less than fifty (50%) percent of all the partnership shares, the same percentage of ownership equity which the value of the partnership shares owned by him and his spouse to the value of all the partner shares.

For purposes of this section, "he" shall be interpreted to refer to the masculine, the feminine, and the neuter.

SECTION 12. It shall be the burden of the "Applicant" to prove that the applicant is not the same person, firm, association, or corporation as the "Violator".

SECTION 13. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 14. This Ordinance shall be known as the "Sewage Permit Ordinance" and shall become effective five (5) days after enactment.

ORDAINED AND ENACTED by the Board of Supervisors of Lower Chanceford Township, York County, Pennsylvania on the 2nd day of November, 1995.

ATTEST:

LOWER CHANCEFORD TOWNSHIP
BOARD OF SUPERVISORS

Erant Atkins
Secretary

By: J. Donnell Taylor
Chairman