

WEST NANTMEAL TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 122

AN ORDINANCE OF WEST NANTMEAL TOWNSHIP,  
CHESTER COUNTY, PENNSYLVANIA, ADOPTING AN  
ON-LOT SEWAGE DISPOSAL MANAGEMENT PROGRAM  
AND ADOPTING REGULATIONS FOR THE  
MAINTENANCE OF ON-LOT SEWAGE DISPOSAL  
SYSTEMS IN THE TOWNSHIP.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of West Nantmeal Township as follows:

**SECTION 1. Authority; Purpose.**

A. In accordance with the Second Class Township Code, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, 35 P.S. §§691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §750.1 *et seq.* known as Act 537), it is the power and the duty of West Nantmeal Township to provide for adequate sewage treatment and disposal facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage.

B. The purpose of this Ordinance is to provide for the regulation, inspection, maintenance and rehabilitation of On-lot Sewage Disposal Systems; to further allow intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

**SECTION 2. Definitions.**

The following words shall have the meanings indicated below, unless the context indicates otherwise. For the purposes of this Ordinance, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and regulations promulgated thereto.

**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.

**ACT 537-** The Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.1 et seq., known as the "Pennsylvania Sewage Facilities Act."

**AUTHORIZED AGENT-** A person with demonstrated knowledge and experience regarding On-lot Sewage Disposal System design, operation, and maintenance who is authorized to function within specified limits as an agent of the Township to administer or enforce the provisions of this Ordinance.

**BOARD-**The Board of Supervisors of West Nantmeal Township, Chester County, Pennsylvania.

**COMMUNITY ON-LOT SEWAGE SYSTEM-** A sewage system which serves two or more lots, or two or more equivalent dwelling units, and uses a system of piping, tanks or other facilities for collecting, treating, and disposing of sewage into a soil absorption area, retaining tank, or cesspool.

**DEPARTMENT-**The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

**HOLDING TANK-** A water tight receptacle which receives and retains sewage and is designed and constructed to facilitate the ultimate disposal of the sewage at another site. A holding tank shall not include a privy, chemical toilet or other facility designed to receive sewage where there is no water under pressure.

**INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEM (IRSI)-** An individual sewage system which serves a single dwelling and which treats and disposes of sewage through use of a system of piping, treatment tanks, and soil renovation through spray irrigation.

**INDIVIDUAL ON-LOT SEWAGE SYSTEM-** A sewage system which serves a single lot and a single equivalent dwelling unit, and uses a system of piping, tanks, or other facilities for collecting, treating, and disposing of sewage into a soil absorption area, spray field, retaining tank, or cesspool.

**INITIAL TREATMENT UNIT-** Term used to describe the on-lot disposal system receiving unit to which sewage is delivered from a sewage generating facility. The term includes, but is not limited to, septic tanks, aerobic treatment units, and cesspools.

**LIQUID WASTE-** Septage pumped from septic tanks, cesspools, holding tanks, privies, or chemical toilets which does not include any toxic, industrial, or hazardous wastes.

**LIQUID WASTE HAULER-** Any person engaged in the business of pumping and transporting liquid waste within Chester County. Each vehicle used for such purpose shall be licensed by the Chester County Health Department.

**LOT-** A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided. Whenever a lot is used for a multiple family dwelling or for commercial or industrial purposes, sewage flow shall be estimated based on an equivalent number of single family residential lots.

**MALFUNCTION-** A condition which occurs when an On-Lot Sewage Disposal System discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

**OFFICIAL SEWAGE FACILITIES ACT 537 PLAN-** A comprehensive plan for the provisions of adequate sewage disposal systems, adopted by the Board and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.

**ON-LOT SEWAGE DISPOSAL SYSTEM-** Any Community On-lot Sewage System or Individual On-lot Sewage System as defined herein.

**PERSON-** Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau of agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

**REHABILITATION-** Work done to modify, alter, repair, enlarge or replace an existing On-Lot Sewage Disposal System.

**RETAINING TANK-** A watertight receptacle that receives and retains sewage and is designed and constructed to facilitate the ultimate disposal of the sewage at another site. This term is synomomous with the term Holding Tank.

**SEPTAGE-** The residual scum, sludge, and other materials pumped from, but not limited to, Initial Treatment Units, other treatment tanks, Retaining Tanks, pump tanks, and the systems they serve.

**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 substances being harmful or inimical to the 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), known as "The Clean Streams Law," as amended.

**SEWAGE ENFORCEMENT OFFICER-(SEO)** — A person certified by DEP who is employed by the Chester County Health Department. Such person is authorized to conduct investigations and inspections, review permit applications, and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by the Township or Chester County Health Department.

**SEWAGE MANAGEMENT PROGRAM-** A comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this Ordinance.

**SMALL FLOW SEWAGE TREATMENT FACILITIES (SFSTF)** - These facilities serve single family residences, duplexes and small commercial establishments with domestic type sewage not exceeding 2,000 gallons per day. These facilities ultimately discharge treated wastewater directly to surface waters.

**SUBDIVISION-** The division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

**TOWNSHIP-** The Township of West Nantmeal, Chester County, Pennsylvania.

### **SECTION 3. Applicability.**

The requirements of this Article shall be effective throughout the municipal limits of West Nantmeal Township and shall apply to all portions of the Township served by On-Lot Sewage Disposal Systems. Within such an area or areas, the provisions of this Article shall apply to all persons owning any property serviced by an On-Lot Sewage Disposal System and to all persons installing or rehabilitating On-Lot Sewage Disposal Systems.

### **SECTION 4. Permit Requirements.**

A. No building permit shall be issued for a new building which will utilize an On-lot Sewage Disposal System until Act 537 Planning approval has been issued by the Department and the appropriate On-lot Sewage Disposal System permit has been issued by the Chester County Health Department. Proof of On-lot Sewage Disposal System permit issuance shall be presented to the Township in the form of a properly executed permit signed by the Chester County Health Department.

B. No occupancy permit shall be issued for a new building which will utilize an On-lot Sewage Disposal System until the sewage disposal system has been installed and the completed installation is approved by the Chester County Health Department. Proof of On-Lot Sewage Disposal System final installation approval shall be presented to the Township in the form of a properly executed permit signed by the Chester County Health Department.

C. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit from the Chester County Health Department for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from the Chester County Health Department that such a permit will not be required. The Chester County Health Department shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

D. Sewage permits may be issued only by a Sewage Enforcement Officer employed by the Chester County Health Department.

**SECTION 5. Responsibilities of persons who own properties served by individual On-Lot Sewage Disposal System or Small Flow Sewage Treatment Facilities.**

A. Each person owning a building served by an On-Lot Sewage Disposal System shall have the Initial Treatment Unit pumped within two years of the effective date of this Ordinance by a Chester County Health Department licensed Liquid Waste Hauler. Thereafter that person shall have the System pumped at least once every three years. If any person can prove that such person's tank had been pumped within two years of the effective date of this Ordinance, then that person's initial required pumping may be delayed to conform to the general three-year frequency requirement.

B. The required pumping frequency may be increased at the discretion of either the Township, the Chester County Health Department, or the Pennsylvania Department of Environmental Protection if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions, or for other good cause shown.

C. Any person owning a building served by an On-Lot Sewage Disposal System or Small Flow Sewage Treatment Facility shall:

- (1) Have the system on their property inspected during the pumping activities in accordance with the Septic System Inspection Checklist

as prepared by the Pennsylvania Septage Management Association.

- (2) Provide the Township with a receipt documenting the date that the system was inspected and a copy of the inspection checklist. Such receipt and checklist must be submitted to the Township within 30 days of the inspection.

D. Any person owning a building served by an On-Lot Sewage Disposal System that contains additional pre-treatment shall:

- (1) Follow the operation and maintenance recommendations of the equipment manufacturer. In no case may the service or pumping intervals for pre-treatment treatment tanks exceed those required for septic tanks. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within six months of the effective date of this Ordinance.
- (2) Provide to the Township with a receipt documenting the service activities at the intervals specified by the manufacturer's recommendations. Such receipt must be submitted to the Township within 30 days of the cleaning or inspection.

E. Any person owning a building served by an On-Lot Sewage Disposal System that is found to be in unsatisfactory condition shall:

- (1) Have the On-lot Sewage Disposal System 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 Chester County Health Department permit authorizing the repair. Such receipt and permit must be submitted to the Township within 30 days of the completion of the repair.

F. Any person owning a building served by a Small Flow Sewage Treatment Facility shall:

- (1) Follow all requirements stated in the permit issued by the Pennsylvania Department of Environmental Protection, including maintenance of all pre-treatment equipment and water quality sampling and monitoring.
- (2) Remain in compliance with the permit issued by the Pennsylvania Department of Environmental Protection, including all requirements

through the National Pollutant Discharge Elimination System (NPDES) regulations.

G. Any person owning a building served by an On-Lot Sewage Disposal System which utilizes any components or technologies deemed by DEP or the Township to require more detailed operation and maintenance requirements than provided for in this Article, including but not limited to Individual Residential Spray Irrigation Systems (IRSIS), Alternate Systems, or Experimental Systems shall be further subject to the maintenance responsibilities recommended by DEP for said system. These responsibilities shall be memorialized in individual operation and maintenance agreements for each such use, to which both the Township and the property owner shall be party. The Township may impose additional requirements as deemed necessary, including but not limited to collection of an annual administrative fee and posting an escrow account with the Township to guarantee the proper maintenance of the On-Lot Sewage Disposal System.

#### **SECTION 6. Operation of On-Lot Sewage Disposal System.**

A. Only normal domestic wastes shall be discharged into any On-Lot Sewage Disposal System. The following shall not be discharged into the System:

1. Industrial waste.
2. Automobile oil and other non-domestic oil.
3. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
4. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and french drains.
5. Wastewater resulting from hair treatment at a multi-chaired beauty shop.
6. Any non-biodegradable materials.

B. The Township may require other operation or maintenance procedures to ensure proper On-Lot Sewage Disposal System performance by adopting a Resolution.

#### **SECTION 7. Administration.**

A. The Township may retain qualified individuals or firms to assist the Township in administering and enforcing the terms of this Article. Those individuals shall

include an Authorized Agent and may include an administrator and such other persons as may be necessary to carry out the provisions of this Article.

B. The Board may establish a fee schedule by Resolution and authorize the collection of fees to cover the costs to the Township of administering this Article.

**SECTION 8. Appeals.**

Appeals from final decisions of the Township or any of its Authorized Agents under this Article shall be made to the Board of Supervisors in writing within thirty (30) days from the date of written notification of the decision in question. Appeals shall be heard and determined by the Board in accordance with the provisions of the Local Agency Law. The Board may impose the reasonable costs of the appeal upon Appellant.

**SECTION 9. Violations and Penalties.**

Any person who violates or permits the violation of any provision of this Article shall upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be subject to the payment of a fine of not less than \$100 and no more than \$1,000, plus the costs of prosecution, including reasonable attorneys' fees incurred by the Township. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. The summary proceedings to enforce the provisions of this Article are separate from any penalties imposed for a violation of any regulations of the Chester County Health Department or DEP.

**SECTION 10. Abatement of Nuisances.**

In addition to any other remedies provided in this Article, any violation of this Article shall constitute a nuisance and shall be subject to abatement by the Board by appropriate equitable or legal relief from a court of competent jurisdiction.

**SECTION 11. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors of West Nantmeal Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

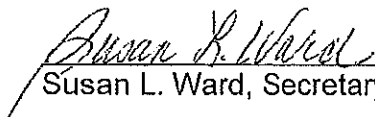
**SECTION 12. Repealer.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.



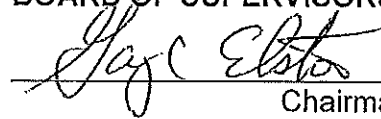
**SECTION 13. Effective Date.** This Ordinance shall become effective five days after its enactment as law provides.

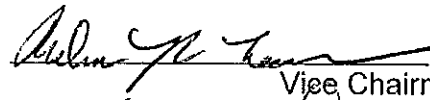
ENACTED AND ORDAINED this 4<sup>th</sup> day of January, 2016.

ATTEST:

  
Susan L. Ward, Secretary

WEST NANTMEAL TOWNSHIP  
BOARD OF SUPERVISORS

  
Chairman

  
Vice Chairman

