

WEST CALN TOWNSHIP  
ORDINANCE \_\_\_\_\_

INDIVIDUAL SEWAGE SYSTEM MANAGEMENT ORDINANCE

BE IT ENACTED AND ORDAINED by the Board of Supervisors of West Caln Township, Chester County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Purposes. The purpose of this Ordinance is to establish procedures for the proper operation and maintenance of Individual Sewage Systems (as hereinafter defined) within West Caln Township (sometimes referred to herein as the "Municipality"). It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Municipality.

Section 2. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A). "Absorption Area" shall mean a component of an Individual Sewage System where liquid from a Treatment Tank seeps into the soil through a distribution system.
- B). "Act 537 Plan" shall mean a Municipality's Official Plan as defined in the Pennsylvania Sewage Facilities Act, as of January 24, 1966, P.L. 1535 (1965), No. 537, as amended, 35 P.S. §§750.1-750.20a ("Sewage Facilities Act" or "Act 537").
- C). "Building Sewer" shall mean the piping carrying liquid wastes, from a building to the Treatment Tank, Holding tank, or Grinder Pump Tank.
- D). "Cleanout" shall mean a component of a Sewage Facility that provides access for inspection and cleaning the -Building Sewer or other pipes.
- E). "Community Sewage Facility" shall mean a Sewage Facility whether publicly or privately owned, that receives and collects Sewage from two or more Improved Properties for treatment and disposal of the Sewage at another location.
- F). "Distribution Box" shall mean a Tank with one inlet that provides equal distribution of Effluent from a Treatment Tank through two or more outlets.
- G). "Domestic Sewage" shall mean Sewage derived principally from dwellings, business buildings, institutions and the like, and may not contain groundwater, surface water or storm water.
- H). "Effluent" shall mean a liquid waste discharged from a sewage system or component of a sewage system.
- I). "Improved Property" shall mean any property or lot within the Municipality upon which there is an erected structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sewage shall or may be discharged.

- J). “Individual Sewage System” shall mean a Sewage Facility and all of its components serving a single lot. Individual Sewage Systems include the following:
- i). Individual onlot sewage systems rely on a subsurface absorption or surface infiltration system for the renovation of Sewage through native soils prior to disposal or the retention of Sewage in a Retaining Tank. Individual onlot sewage systems are permitted through the Chester County Health Department and include but are not limited to the following systems defined by 25 Pa Code § 73.1:
    - (a) Conventional sewage systems
    - (b) Alternative sewage systems
    - (c) Experimental sewage systems
    - (d) Bonded disposal systems
    - (e) Individual residential spray irrigation systems
    - (f) Retaining tanks
  - ii). Individual sewerage systems rely on other means than native soils to renovate Sewage prior to disposal or retention in a Retaining Tank. Individual sewerage systems include but are not limited to the following:
    - (a) Gravity sewer connections – Where the Building Sewer connects to a gravity service lateral of a Community Sewage Facility.
    - (b) Pressure sewer connections – Where the Building Sewer is connected to a Tank containing a pump which conveys Sewage through a pressure sewer to either a gravity or pressure service lateral of a Community Sewage Facility.
    - (c) Small flow treatment facilities – An Individual sewerage system permitted by the Pennsylvania Department of Environmental Protection that is designed to adequately treat Sewage flows no greater than 2,000 gallons per day with final disposal to surface waters, a dry stream channel, or storm water collection system.
- K). “Inspection Port” shall mean a component of a Sewage Facility that provides sufficient access for the inspection of the contents of a Tank.
- L). “Property Owner” shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Municipality.
- M). “Pump Tank” shall mean a Tank or chamber or sump that receives and temporarily stores Sewage or partially treated Sewage from which it is pumped or dosed. Pump Tanks include:
- i). Effluent Pump Tank – A Tank that receives Septic Tank Effluent or partially treated Sewage and conveys the liquid portion of the wastewater to absorption system or other component of a Sewage

Facility. Effluent pumps also include: Dosing Pumps, Lift Pumps, Dosing Siphons, and other specialized discharge control mechanisms.

- ii). Grinder Pump Tank – A Tank that receives Domestic Sewage and contains a pump that macerates waste solids prior to ejection.
- N). “Responsible Management Entity” or “RME” shall mean an individual, firm or corporation experienced in the operation and maintenance of Sewage facilities, who is registered with the Municipality to perform such services. RME’s may also include through a general oversight agreement with the Municipality such entities as Municipal Authorities, Investor Owned Public Utility Companies and Homeowner Associations.
- O). “Retaining Tank” shall mean a Tank that retains Sewage and is designed and constructed to facilitate ultimate disposal of the Sewage to another site. Retaining Tanks include:
- i). Chemical toilet – A permanent or portable non-flushing toilet using chemical treatment in a Retaining Tank for odor control.
  - ii). Holding tank – A Tank, whether permanent or temporary, to which Sewage is conveyed by a water-carrying system.
  - iii). Privy – A Tank designed to receive Sewage where water under pressure is not available.
  - iv). Incinerating toilet – A device capable of reducing waste materials to ashes.
  - v). Composting toilet – A device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.
  - vi). Recycling toilet – A device in which the flushing medium is restored to a condition suitable for reuse in flushing.
- P). “Sewage” shall mean 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 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 any substance which constitutes pollution under the Clean Streams Law, 35 PS §§ 691.1- 691.1001, as amended.
- Q). “Sewage Facility” shall mean an all inclusive term for a Sewage collection, conveyance, treatment, and disposal system.
- R). “Sewer System” shall mean a system of pipes that collect Sewage from several Improved Properties; Sewer Systems include Pressure and Gravity Sewer Systems or any combination of both.
- S). “Tank” shall mean a water-tight receptacle which liquids pass through or are retained in.

- T). “Tank access cover” shall mean a component of a Sewage Facility that provides access for inspection, cleaning and maintenance of the internal components of a Tank.
- U). “Treatment Tank” shall mean a Tank designed to provide a suitable environment for the bacterial decomposition or disinfection of Sewage. Treatment Tanks include:
  - i). Septic Tank – A Treatment Tank or compartment of another Tank that provides for the anaerobic decomposition and the physical separation of solids in Sewage.
  - ii). Aerobic sewage treatment tank – A Treatment Tank or compartment of another Tank that provides for the aerobic biochemical stabilization of solids in Sewage.
  - iii). Filter tank – A Treatment Tank or compartment of another Tank that contains a media to which microorganisms attach and provide a suitable environment for the biochemical stabilization of solids in Sewage.
  - iv). Chlorine contact tank - A Treatment Tank or compartment of another Tank that provides a suitable environment for the disinfection of Effluent.

Section 3. Authority and purpose. In accordance with the Township Act 537 Plan and 25 Pa. Code §.71.71 “Municipalities are required to assure the proper operation and maintenance of Sewage Facilities within their borders.”

Section 4. Duties and Responsibilities of all Property Owners of Improved Properties.

- A). Property Owners are responsible to properly operate the Sewage facilities on their individual properties; this includes providing where necessary electrical power and access to conventional telephone service for the operation of the Sewage Facilities and to respond to any alarm notification.
- B). Property Owners shall not introduce or dispose of any substance into any Sewage Facility that would cause harm or in any way interfere with the proper operation of the Sewage Facility.
- C). The minimum requirements for the operation and maintenance of Sewage Facilities are as follows:
  - i). Routine inspections and maintenance: Sewage Facilities shall be inspected and maintenance by the Property Owner or a Responsible Management Entity in accordance with the following schedule:
    - (a) Monthly - Retaining Tanks: including but not limited to Chemical toilets, Holding tanks, Privies, Incinerating toilets, Composting toilets, and Recycling toilets, to be checked for water-tightness and structural integrity also remove septage and solids when 75% full.
    - (b) Semi Annually - Individual Residential Spray Irrigation Systems permitted in accordance with 25 Pa Code § 73.167.

- (c) Annually - Absorption Areas, Cleanouts, Tank access covers, and Inspection Ports; surface contouring to be checked to see that storm water is diverted away, maintain ground cover and provide protection from physical damage.
  - (d) Annually - Pumps, aerators, any and all electrical, mechanical and chemical components, alarm devices, disinfection equipment to be checked for proper operation in accordance with manufacturer's instructions and recommendations.
  - (e) Once every three years - All Tanks, including but not limited to Treatment Tanks, Pump Tanks, and Distribution Boxes to be checked for water tightness, structural integrity and settlement of the structure, and remove excessive amounts of solids and scum.
- ii). Maintenance Agreements: Sewage Facilities operated and maintained by any person other than the Property Owner shall be through a maintenance agreement between the Property Owner and a Responsible Management Entity (RME). The RME shall provide the Property Owner and the Municipality an annual inspection and maintenance report.

Section 5. Additional Duties and Responsibilities of Property Owners of Improved Properties. Property Owners whose Individual sewerage system connects to a Community Sewage Facility.

- A). Property Owners shall operate and maintain their individual Sewage Systems in accordance with any rules, regulations, and all other requirements of the receiving Community Sewage Facility, including paying fees for collection, conveyance, treatment, and disposal of Sewage, and the maintenance of certain components of their Individual Sewage System.
- B). Property Owners with an Individual Sewage System connecting to a public or private Sewage Facility by means other than with a Building Sewer shall retain the services of an RME to maintain their Individual Sewage System unless the Individual Sewage System is maintain by the Community Sewage Facility.

Section 6. Duties and Responsibilities of Responsible Management Entities.

- A). Registration Requirements - Any RME offering or performing installation, inspection, operation, or maintenance services on any Sewage Facility in the Municipality shall register with the Municipality each year unless the RME has as a general oversight agreement with the Municipality.
- B). Reporting Requirements – RMEs shall provide the Property Owner a copy of any and all annual inspection and maintenance reports including any supplemental report. In addition RMEs shall supply applicable information to the “Chester County Septage Management Database”.
- C). Evaluations of Sewage Facilities – Any person performing an evaluation of a Sewage Facility for a real estate transaction or a mortgage refinancing shall also be a registered RME and comply with reporting requirements above.

- D). Spare parts and miscellaneous materials – RMEs shall maintain an inventory of spare and replacement parts and other miscellaneous materials to make all reasonable repairs to systems they are contracted to provide service for.
- E). Emergency Services - RMEs shall include emergency services in all service and maintenance agreements that provide 24 hour contact information. This contact information shall be posted on or near a component of the sewage system in plain sight. If the RME is not licensed to pump and transport liquid waste by the Chester County Health Department, the RME shall provide a subcontract with a licensed liquid waste transporter who would be on 24 hour call to abate any nuisance or malfunction.

Section 7. Abatement of Nuisances. In addition to any other remedies provided in this Ordinance, any violation of Sections 4 and 5 above shall constitute a nuisance and the Municipality shall have the right to abate such nuisance by seeking mitigation of the nuisance by the Property Owner, or seeking appropriate equitable or legal relief from a court of competent jurisdiction, or both.

Section 8. Rules and Regulations to be in Conformity with Applicable Law. All such rules and regulations adopted by the Municipality to effectuate this Ordinance shall be in conformity with the provisions herein, all other Ordinances of the Municipality, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 9. Repeal. All Ordinances or Resolutions or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, are hereby repealed.

Section 10. 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 of this Ordinance, it being the intent of West Caln Township, Chester County that such remainder shall be and shall remain in full force and effect.

Section 11. Effective Date. This Ordinance shall become effective five (5) days after the date of adoption.

ENACTED AND ORDAINED into an Ordinance this \_\_\_\_day of \_\_\_\_\_, 2009, by the Board of Supervisors of West Caln Township, Chester County in Lawful Session duly assembled.

ATTEST:

\_\_\_\_\_  
Secretary

BOARD OF SUPERVISORS

\_\_\_\_\_  
Paul E. Pfitzenmeyer, Chairman

\_\_\_\_\_  
Harry W. Price, III Member

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Donald W. Martz