

## Chapter 110

### SEWAGE DISPOSAL SYSTEMS, PRIVATE

**[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Sewer Authority — See Ch. 5, Art. I.

Public sewers — See Ch. 114.

#### ARTICLE I

##### General Provisions

**[Adopted 2-13-1968 by Ord. No. 5 (Ch. 77, Art. I, of the 1991 Code)]**

##### **§ 110-1. Permit required.**

No person shall install an individual or community sewage disposal system or construct any building in North Londonderry Township in which an individual or community sewage disposal system is to be installed without first obtaining a permit indicating that the site, plans and specifications of such system are in compliance with Act 537<sup>1</sup> and the Rules and Regulations adopted pursuant to the Act.

##### **§ 110-2. Fee.** [Amended 11-12-1991 by Ord. No. 86]

A fee in the sum of eighty dollars (\$80) shall be paid to the Lebanon County Planning Department Enforcement Officer, the Township's agent, at the time of making application for an individual or community sewage disposal system.

#### ARTICLE II

##### Holding Tanks

**[Adopted 11-12-1991 by Ord. No. 86 (Ch. 77, Art. II, of the 1991 Code)]**

##### **§ 110-3. Purpose.**

The purpose of this article is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage, whether from residential or commercial uses, and it is hereby declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

##### **§ 110-4. Definitions.**

Unless the context specifically and clearly indicates otherwise, the meanings of terms used in this article shall be as follows:

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1. Editor's Note: See 53 P.S. § 750.1 et seq.

**AUTHORITY** — The Supervisors of North Londonderry Township, Lebanon County, Pennsylvania.

**HOLDING TANK** — A watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water-carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

**IMPROVED PROPERTY** — Any property within the Township upon which there is erected a 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.

**MUNICIPALITY** — The Township of North Londonderry, Lebanon County, Pennsylvania.

**OWNER** — Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

**PERSON** — Any individual, partnership, company, association, corporation or other group or entity.

**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 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.

**§ 110-5. Powers of Authority.**

The Authority is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

**§ 110-6. Promulgation of rules and regulations.**

The Authority is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

**§ 110-7. Rules and regulations to conform to applicable law.**

All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other ordinances of the Township and all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

**§ 110-8. Rates and charges.**

The Authority shall have the right and power to fix, alter, charge and collect rates, assessments and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

**§ 110-9. Duties of Authority.**

A. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Authority,

and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

- B. The Authority will receive, review and retain pumping receipts from permitted holding tanks.
- C. The Authority will complete and retain annual inspection reports for each permitted tank.

**§ 110-10. Duties of property owners.**

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this or any ordinance of this Township, the provisions of any applicable law and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Authority or its agent to inspect holding tanks on an annual basis.
- C. Permit only the Authority or its agent to collect, transport and dispose of the contents therein.

**§ 110-11. Violations and penalties.** [Amended 6-11-1996 by Ord. No. 108; 4-8-1997 by Ord. No. 112]

Section 110-10 shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of § 110-10 shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense.

**§ 110-12. Abatement of nuisances.**

In addition to any other remedies provided in this ordinance, any violation of § 110-10 above shall constitute a nuisance and shall be abated by the municipality or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

ARTICLE III

**On-Lot Disposal System Management**

[Adopted 7-20-2009 by Ord. No. 152 (Ch. 77, Art. III, of the 1991 Code)]

**§ 110-13. Introduction; purpose.**

- A. This article may be cited as the "OLDS (On-Lot Disposal System) Management Program for the Township of North Londonderry."
- B. As mandated by the municipal codes, the Clean Streams Law (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"), 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 Official Sewage Facilities Plan for North Londonderry Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

- C. The purpose of this article is to provide for the inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit the Township to intervene in situations which are public nuisances or hazards to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

**§ 110-14. Terms and definitions.**

- A. General terms. In this interpretation of this article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.
- B. Specific terms. For the purpose of this article, the terms shall be constructed to have the following meanings:

ACT — The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. § 750.1 et seq.

AUTHORITY — The North Londonderry Township Municipal Authority of North Londonderry Township, Lebanon County, Pennsylvania.

AUTHORIZED AGENT — A licensed sewage enforcement officer, professional engineer or sanitarian, Plumbing Inspector, soil scientist, Zoning Officer, building code official, sewage management program coordinator or any other qualified or licensed person who is delegated to function within the specified limits as the agent of the Board of Supervisors of North Londonderry Township to carry out the provisions of this or any other ordinance of the Township.

BOARD — The Board of Supervisors of North Londonderry Township, Lebanon County, Pennsylvania.

CESSPOOL — An underground container for waste matter; a covered underground tank or well for the collection of waste matter and water, especially sewage.

COMMUNITY SEWAGE SYSTEM — Any system, whether publicly or privately owned, for the collection of sewage publicly, from two or more lots or uses, or two or more equivalent dwelling units, and the treatment and/or disposal of the sewage on one or more of the lots or at any other site and which shall comply with all applicable regulations of the DEP.

DEP — The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

DEVELOPER — Any person, partnership or corporation which erects or contracts to erect a building on property owned by it with the intent to sell the building to some other party upon its full or partial completion or upon the conveyance of property on which the building is to be built.

**EQUIVALENT DWELLING UNIT (EDU)** — For the purpose of determining the number of lots in a subdivision or land development, that part of a multiple-family dwelling, commercial, industrial or institutional establishment with sewage flows equal to four hundred (400) gallons per day.

**IMPROVED PROPERTY** — Any property within the Township upon which there is erected a 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.

**INDIVIDUAL SEWAGE SYSTEM** — Any system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal.

**LAND DEVELOPMENT** — A land development as defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. § 10101 et seq.

**LOT** — A designated parcel, tract or area of land established by a plot or otherwise as permitted by law and to be used, developed or built upon as a unit.

**MALFUNCTION** — The condition that occurs when an on-lot sewage disposal system causes pollution to the groundwater or surface water, contamination of private or public drinking water supplies, nuisance problems or hazard to public health. Indications of malfunctioning systems include, but are not limited to, foul odors, lush grass growing over the system, backup of wastewater in the attached buildings, soggy ground over the system, surfacing sewage effluent flowing over the ground and occurring at any time of the year.

**OFFICIAL PLAN** — A Comprehensive Plan for the provision of adequate sewage disposal systems adopted by the Township and approved by DEP in accordance with the Act and with applicable DEP regulations.

**ON-LOT SEWAGE DISPOSAL SYSTEM** — Any sewage system disposing of sewage in whole or in part into the soil or any waters of the Commonwealth of Pennsylvania, or by means of conveyance to another site for the final disposal, and which is located upon the lot which it serves.

**OWNER** — Any person, corporation, partnership, etc. holding deed/title to lands within North Londonderry Township.

**PERSON** — Any individual, association, partnership, public or private corporation, whether for profit or non-for-profit, trust, estate or other legally recognized entity. Whenever the term "person" is used in connection with any clause providing for the imposition of a fine or penalty or the ordering of action to comply with the terms of this article, the term "person" shall include the members of an association, partnership or firm and the officers of any public or private corporation, whether for profit or not-for-profit.

**PLANNING MODULE FOR LAND DEVELOPMENT** — A revision to, or exception to the revision of, the Township Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with DEP regulations.

**PUMPER/Hauler** — Any person, company, partnership or corporation that engages in cleaning community or individual sewage systems and transports the septage cleaned from these

systems. All pumper/haulers shall be registered prior to conducting sewage management activities within the Township.

**PUMPERS REPORT/RECEIPT** — See "sewage management report."

**REHABILITATION** — Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

**REPLACEMENT AREA** — An area designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the DEP and all applicable Township ordinances for an individual on-lot sewage system.

**RETAINING TANK** — A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes a chemical toilet, holding tank, privy, incinerating toilet, composting toilet or recycling toilet.

**SEPTAGE** — The residual scum and sludge pumped from septic systems.

**SEWAGE** — Any substance that contains any of the waste products or excrements or other discharge from the bodies of human beings or 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.

**SEWAGE ENFORCEMENT OFFICER (hereinafter called SEO)** — A person appointed by the Board to administer the provisions of this article and authorized by the DEP in accordance with Chapter 71, Administration of Sewage Facilities Program, of Title 25, Rules and Regulations, to verify in a manner approved by the Department percolation tests, site and soil evaluation, and issue sewage permits for on-lot disposal systems.

**SEWAGE FACILITIES** — Any method of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage into the waters of this commonwealth or otherwise provide for the safe and sanitary treatment of sewage.

**SEWAGE MANAGEMENT PROGRAM** — A program authorized by the official action of a municipality for the administration, management and regulation of the disposal of sewage.

**SEWAGE MANAGEMENT PROGRAM COORDINATOR** — A person delegated by the Township with the administrative responsibility to implement the sewage management program and authority to enforce the ordinance provisions associated therewith.

**SEWAGE MANAGEMENT REPORT** — Form which shall be used by all registered pumper/haulers to report each pumping of on-lot sewage disposal systems in the Township.

**SINGLE AND SEPARATE OWNERSHIP** — The ownership of a lot by one or more persons, which ownership is separate and distinct from that on any abutting or adjoining lot.

**SUBDIVISION** — A subdivision as defined by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. § 10101 et seq., and as defined by the Pennsylvania Code, Title 25, Environmental Protection, Chapter 71, Administration of Sewage Facilities.

TOWNSHIP — North Londonderry Township, Lebanon County, Pennsylvania.

- C. All other definitions of words and terms used in this article shall have the same meaning as set forth in Chapters 71, 72 and 73, Administration and Standards for Sewage Disposal Facilities, within the Pennsylvania Code, Title 25, Environmental Protection.

**§ 110-15. Applicability.**

From the effective date of this article, its provisions shall apply to all persons owning any real estate in the Township serviced by an on-lot sewage disposal system; to all persons installing or rehabilitating on-lot sewage disposal systems within the Township; to all pumper/haulers who are registered with the Lebanon County Planning Department; and including all other authorized agents.

**§ 110-16. Sewage permit requirements.**

- A. No person shall install, construct or request bid proposals for construction or alter an individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act (hereinafter called "Act 537" or "Act") and the standards adopted pursuant to that Act.
- B. No building or occupancy permit shall be issued by the Township or its authorized agent for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Township's certified SEO.
- 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 the Township's authorized agent and the structure's owner receive from the Township's SEO either a permit for alteration or a replacement of the existing sewage disposal system or written notification that such a permit will not be required. In accordance with Chapter 73 regulations, the certified SEO shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

**§ 110-17. Ground markers.**

Any person who shall install new or rehabilitated systems shall provide a marker or markers at ground level locating the subsurface waste disposal tank and other important components of the system requiring periodic inspection and maintenance. Requirements for marker types and locations will be determined by the Township's SEO. In addition, a riser or manhole extension shall be constructed to finished grade, as per DEP requirements, so as to enable easy access to the waste disposal tank, prevent odors from escaping and to prevent children from entering the tank.

**§ 110-18. Inspections and violations.**

- A. Any on-lot sewage disposal system may be inspected by the Township's SEO or authorized agent at any reasonable time as of the effective date of this article.
- B. The inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure or into the treatment tank served to ascertain the path and ultimate destination of wastewater generated in the structure.
- C. The Township's SEO or authorized agent shall have the right to enter upon land for the purposes of inspections described above. In the event that access to inspect the property is denied, the following steps shall be taken:
  - (1) The matter will be officially referred to the Board for action.
  - (2) The Board may schedule a review at the next scheduled meeting of the Board or, if the situation threatens the health and safety of the residents of the Township, the Board may commence an immediate procedure to obtain a search warrant from the District Justice.
  - (3) Upon receipt of a search warrant to inspect the property, the SEO or authorized agent of the Township shall be accompanied by an officer of the Township or State Police, and the inspection shall be completed in accordance with this subsection.
  - (4) The provisions of this subsection for obtaining a search warrant may be waived only when the Board and its SEO or authorized agent have reason to believe that the sewage facilities are malfunctioning or being operated improperly such that the situation poses an immediate and substantial safety, water pollution or health hazard.
- D. An inspection shall be conducted by the pumper/hauler at the time of pumping for the purpose of determining the type and functional status of each sewage disposal system in the Township. A written report shall be furnished to the owner of each property inspected, and a copy shall be maintained in the Township Records.
- E. A schedule of routine inspections may be established by the Township, if necessary, to assure the proper function of the systems in the Township.
- F. The Township's SEO or authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is malfunctioning, the Township's SEO or authorized agent shall take action to require the correction of the malfunction. If total correction is not technically or financially feasible in the opinion of the Township's SEO or authorized agent, action by the owner to mitigate the malfunction shall be required.
- G. Within seven (7) days of notification by the SEO that a malfunction has been identified, the owner shall make application to the Township's certified SEO for a permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by the SEO, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by the SEO, the construction shall be completed. Where seasonal or unique conditions may affect construction, the SEO may grant an extension of the deadline for commencement or completion of construction.



- H. The SEO shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system; adding capacity or otherwise altering or replacing the system's treatment tank; expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a retaining tank; or other alternatives as appropriate for the specific site.
- I. In lieu of or in combination with the remedies described in Subsection H, the SEO may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water-using devices and appliances in the structure may be required to be retrofitted with water-saving devices or they may be required to be replaced by water-conserving devices and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served.
- J. In the event that the rehabilitation measures in Subsections F through I are not feasible or do not prove effective, the SEO may require the owner to apply for a permit to construct a retaining tank in accordance with Township ordinance. Upon receipt of said permit, the owner shall complete construction of the system within thirty (30) days.
- K. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the owner is not absolved of responsibility for that malfunction. The SEO may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.
- L. There may arise geographic areas within the Township where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a Township sponsored revision to that area's Act 537, official sewage facilities plan. When a DEP-authorized official sewage facilities plan revision has been undertaken by the Township, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the study area may be delayed, at the discretion of the Township, pending the outcome of the plan revision process. However, the Township may compel immediate corrective action whenever a malfunction, as determined by Township officials and the DEP, represents a serious public health or environmental threat.

**§ 110-19. Operation; prohibited discharges.**

No person shall operate and maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth of Pennsylvania unless a permit to discharge has been obtained from the DEP. Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system:

- A. Industrial waste.
- B. Automobile oil and other nondomestic oil.

- C. Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
- D. Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains.

**§ 110-20. Maintenance.**

- A. All pumpers/haulers who empty tanks or service on-lot sewage disposal systems within North Londonderry Township shall complete such forms, provide such information, pay such fees and comply with all requirements as may be set forth by ordinance of the Board or by Resolution of the Board or the Authority.
- B. Any person owning a building served by an on-lot sewage disposal system shall have the septic tank pumped by a registered pumper/hauler within ninety (90) days of receiving official notice. Thereafter, that person shall have the tank pumped at least every three (3) years, upon notice to do so or whenever an inspection reveals that the septic tank is filled with solids or scum in excess of one-third (1/3) of the liquid depth of the tank. Reports from the pumper/hauler shall be submitted to the Sewage Management Program Coordinator as required in Subsection F.
- C. If any person provides a receipt or other written evidence showing that their tank had been pumped within one (1) year prior to the effective date of this article, the Sewage Management Program Coordinator may delay that person's initial required pumping to conform to the general three (3) year frequency requirement.
- D. The Sewage Management Program Coordinator may allow septic tanks to be pumped out at less frequent intervals when the owner can demonstrate to the Sewage Management Program Coordinator that the system can operate properly without the need for pump out. Such a request may be made at any time and must be in writing with all supporting documents attached. The Sewage Management Program Coordinator, in making its determination, shall take into account the information submitted by the applicant, the sewage permit issued by the Township SEO upon installation or rehabilitation of the system and supporting documentation, reports of inspection and maintenance of the system, and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection, surface or subsurface, and soil or wastes sampling conducted for the purposes of evaluating the request. Application for said relief, together with the required reports, shall be submitted to the Sewage Management Program Coordinator. Upon receipt of the reports and recommendation, the Sewage Management Program Coordinator shall issue a decision within sixty (60) days.
- E. The required pumping frequency may be increased at the discretion of the Sewage Management Program Coordinator if the septic tank is undersized, if solids build up in the tank is greater than one-third (1/3) of the liquid depth of the tank, 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.
- F. Upon completion of each required pumping, the pumper/hauler shall fill out and submit a signed copy of the approved sewage management report form: copies of the approved

forms shall be provided to all registered pumpers/haulers. The pumper/hauler shall provide one copy of the sewage management report to the owner of the subsurface waste disposal system and one copy to the Sewage Management Program Coordinator. Copies must be received by the Sewage Management Program Coordinator within thirty (30) days of the date of pumping along with the required administrative fee.

- G. Any person owning a building served by an on-lot sewage disposal system which utilizes an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Sewage Management Program Coordinator within six (6) months of the effective date of this article. Thereafter, service receipts shall be submitted to the Sewage Management Program Coordinator at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals exceed those required for septic tanks.
- H. Any person owning a building served by a cesspool shall have that system pumped according to the schedule prescribed for septic tanks in Subsection B.
- I. The Township's authorized agent may require additional maintenance activity, as needed, including, but not necessarily limited to, cleaning and unclogging of piping; servicing and the repair of mechanical equipment; leveling of distribution boxes, tanks and lines; removal of obstructing roots or trees; the diversion of surface water away from the disposal area, etc. Repair permits issued by the certified SEO may be required for these activities, as applicable.

**§ 110-21. System rehabilitation.**

- A. Any on-lot sewage disposal system or component thereof found to be malfunctioning shall be repaired, modified or replaced pursuant to direction of the Township or its authorized agent and to correct the conditions causing the malfunction. Rehabilitation shall be performed in accordance with Chapter 73, Standards for Sewage Disposal Facilities, of Title 25, Rules and Regulations, Department of Environmental Protection. The Township Sewage Enforcement Officer shall inspect the rehabilitated on-lot sewage disposal system and certify its compliance with local and state standards.
- B. Any person desiring to perform soil fracturing or use of the terra lift procedure on any portion of an on-lot sewage disposal system shall provide written notification to the Sewage Enforcement Officer at least forty-eight (48) hours prior to commencement of such work. The Sewage Enforcement Officer shall review the information submitted to determine whether the proposed work is maintenance and exempt from permit requirements or is a repair, alteration or modification which requires a permit pursuant to § 110-16 of this article. The Sewage Enforcement Officer shall notify the applicant within such forty-eight-hour period if the applicant must obtain a permit.

**§ 110-22. Liens.**

The Township, upon written notice from the SEO that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this article, shall have the authority to perform or contract to have

performed the work required by the SEO. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefor, in accordance with law, to recover all costs, together with attorney's fees.

**§ 110-23. Disposal of septage; pumper/hauler violations and penalties.**

- A. All septage pumpers/haulers operating within the Township shall be registered with the Township through the Sewage Management Program Coordinator and shall comply with all reporting requirements established by the Township.
- B. All septage originating within the municipal sewage management district shall be disposed of at sites or facilities approved by the DEP. Approved sites or facilities may include the following: septage treatment facilities, wastewater treatment plants, composting sites and approved farm lands.
- C. Septage pumpers/haulers operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101 through 6018.1003). Any septage pumper/hauler who violates any of the provisions of this article, the rules and regulations promulgated hereunder, the conditions of its state permit, or of any state or local law governing its operation, shall, upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100) and not exceeding one thousand dollars (\$1,000) and costs, together with attorney's fees or, in default of payment thereof, shall be subjected to imprisonment for a term not to exceed thirty (30) days. If any pumper/hauler shall have been convicted on two (2) occasions of any violation of this article, or for violating the conditions of its state permit, or of any state or local laws governing its operation, the Board or the Authority, if authorized by the Board, shall have the right to suspend said pumper/hauler from operating within the Township for a period of not less than six (6) months or more than two (2) years for each violation. Each day the violation continues shall constitute a separate offense.

**§ 110-24. Administration.**

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this article.
- B. The Township may appoint those qualified to carry out the provisions of this article, which may include a certified SEO, a Sewage Management Program Coordinator and the North Londonderry Township Municipal Authority. The Township may also contract with others as may be necessary to carry out the provisions of this article.
- C. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems shall become the property of the Township. Existing and future records shall be available for public inspection during required business hours at the office of the Sewage Management Program Coordinator or SEO, as applicable. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the Township's OLDS Management Program shall be made available, upon request, for inspection by representatives of the DEP.

- D. The Board, or the Authority, if appointed by the Board, may establish by resolution all administrative procedures necessary to properly carry out the provisions of this article.
- E. The Board, or the Authority, if appointed by the Board, may establish by resolution a fee schedule, and subsequently collect fees, or authorize the collection of fees, to cover the costs of the Township or authorized agents of the Township of administering this program.

**§ 110-25. Appeals.**

- A. Appeals from decisions of the Sewage Management Program Coordinator or its authorized agents under this article shall be made to the Board, or the Authority, if appointed by the Board, in writing, within forty-five (45) days from the date of the decision in question.
- B. The appellant shall be entitled to a hearing before the Board, or before the Authority, if the Board has authorized the hearings to be held before the Authority, within forty-five (45) days of the receipt of the appeal by the hearing body. The appellant and the hearing body may continue the time for the hearing to a date as may be agreed upon. The Township, or the Authority, if applicable, shall render a decision within forty-five (45) days of the completion of the hearing or hearings. All matters to be heard must be set forth in writing in the appeal papers at the time of filing the appeal.

**§ 110-26. Violations and penalties.**

- A. Any person who violates any of the provisions of this article or of the rules and regulations promulgated hereunder shall, upon conviction before a Magisterial District Judge or before a Judge of the Court of Common Pleas of Lebanon County, Pennsylvania, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), together with costs and attorney's fees, or, in default of the payment thereof, shall be confined in the Lebanon County Prison for a period of time not exceeding thirty (30) days. Each day of noncompliance shall constitute a separate offense.
- B. The Township, or the Authority, if authorized to do so by the Board, may enforce the provisions of this article and any rules promulgated hereunder by filing a suit in equity in the Court of Common Pleas of Lebanon County, Pennsylvania, and in any such proceedings, the Township or the Authority may recover all costs and attorney's fees.