

ORDINANCE NO. 46  
SEWAGE FACILITIES ORDINANCE  
LACKAWAXEN TOWNSHIP  
PIKE COUNTY, PENNSYLVANIA

AN ORDINANCE ESTABLISHING PROCEDURES AND STANDARDS FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF SEWAGE DISPOSAL FACILITIES IN LACKAWAXEN TOWNSHIP, PIKE COUNTY, PENNSYLVANIA, INCLUDING REQUIREMENTS FOR INDIVIDUAL ON-SITE AND COMMUNITY SEWAGE DISPOSAL SYSTEMS; REQUIRING PERMITS FOR CONSTRUCTION OF SAME; AUTHORIZING TOWNSHIP INSPECTIONS; SETTING STANDARDS FOR HOLDING TANKS AND PORTABLE TOILETS; AND ESTABLISHING PENALTIES FOR VIOLATIONS OF ANY ORDINANCE PROVISIONS.

### I. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to establish procedures and standards for issuing applications and permits for the enforcement of the Pennsylvania Sewage Facilities Act of 1966 and Act 208 of 1974 and amendments thereto, as a supplement and complement to Act 537, and to serve as a supplement and complement to said Acts. This Ordinance also establishes, monitoring, reporting and inspection procedures for any community sewage treatment plant or system including collection, conveyance and treatment facilities. This Ordinance is adopted pursuant to the authority of the Pennsylvania Sewage Facilities Act, the Pennsylvania Clean Streams Act, and the Pennsylvania Second Class Township Code.

### II. SCOPE

All persons installing an individual or community sewage disposal system or making connection to any community sewage disposal system shall first obtain a permit which certifies that the site, plan, and specifications of such systems are in compliance with the Pennsylvania Sewage Facilities Act of 1966 and amendments thereto as well as all other rules and regulations adopted pursuant to the Act and the provisions of this Ordinance and all other applicable ordinances and regulations of the Township of Lackawaxen. Any standards or requirements not specifically addressed by this Ordinance shall be governed by Chapter 71, Chapter 72 and Chapter 73 of the Rules and regulations of the Pennsylvania Department of Environmental Resources, and by generally accepted sewage design and engineering practices.

No existing home, building or structure shall be occupied or inhabited or its sewage system used until final approval of the same in accordance with the provisions of this Ordinance shall have been granted. No existing building or use within the Township may be expanded or converted to another use which would generate increased sewage flows unless and until the owner of said property shall verify the capacity of the system, including the size of the field and tank; or the capacity of the community system to which connection is proposed. Such verification may be in the form of a certification made by a Registered Professional Engineer, and all expenses of said verification shall be the responsibility of the property owner.

### III. DEFINITIONS

Act - The Pennsylvania Sewage Facilities Act, as amended.

Applicant - The present property owner of record, or his agent as provided in accord with the Department of Environmental Resources regulations.

DER - The Commonwealth of Pennsylvania Department of Environmental Resources.

On-Site System - Any sewage disposal system (whether subsurface or above ground) used to treat and dispose of domestic sewage on an individual lot in accord with Chapter 73 of PA DER Rules and Regulations.

SEO - The Sewage Enforcement Officer of Lackawaxen Township.

Wetland - An area of land where the presence of water (at least during part of the year) determines the soil characteristics of the site and the species of vegetation growing on the site; said areas meeting the criteria of the U.S. Fish and Wildlife Service; and being regulated by the PA DER and the U.S. Army Corps of Engineers.

Other terms shall have the meaning given them by the Pennsylvania Sewage Facilities Act and its implementing Commonwealth regulations.

#### IV. SEWAGE ENFORCEMENT OFFICER

The Lackawaxen Township Board of Supervisors shall appoint a Sewage Enforcement Officer who shall be charged with the responsibility of administering the provisions of the Sewage Facilities Act and this Ordinance within the Township. Such Officer shall meet the minimum qualifications as established by the Department and abide by the requirements Chapter 72, Section 72.41 of Department Rules and Regulations and the following:

- A. Restricted Activities: The SEO shall not be in the business of planning, designing, selling or installing individual or community sewage systems in Lackawaxen Township. [DER, Ch. 72, Sec. 72.41,(f)]
- B. Compensation: The SEO shall not accept any fee for services or work performed in the administration of the Act other than the compensation set by the Lackawaxen Township Board of Supervisors.
- C. Financial Interest: The SEO shall not conduct a test or issue any permit for an individual or community sewage system for any parcel in which he has a financial interest, or in which a relative by blood or marriage has a financial interest or in which his employer or his business partners (except the Township) have a financial interest unless written permission has been obtained in advance from DER. [DER, Ch. 72, Sec. 72.41,(g) and (h)]
- D. Testing: Before issuing a permit, the SEO shall either observe, conduct personally, or otherwise confirm in a manner approved by DER, all tests used to determine the suitability of a site for an individual or community sewage system.
- E. Notice: The SEO shall give notice to all applicants or permittee of any approval, denial, or revocation of a permit in accordance with this Ordinance and DER Rules and Regulations.

- F. Records: The SEO shall maintain full and complete records of all permits, sewage system designs, and malfunctions including all information used by him in determining the cause of the malfunction. The SEO shall maintain the records so that patterns of malfunctions can be readily identified.

## V. INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

### A. Procedures:

#### 1. Application Form

Applications for permits to install individual sewage disposal systems shall be made on forms supplied by Township.

- a. Part I of the application shall be completed by the Applicant.
- b. Upon the completion of the necessary testing, which shall include a test pit and percolation test and may include additional testing (eg., hydroconductivity testing), the Applicant shall complete and submit to the SEO Part II and Part III of the application.

#### 2. Costs

All costs associated with preparing for and conducting the test pit, percolation test, and any other tests required by the Township shall be borne by the Applicant.

#### 3. System Designer

All systems shall be designed by an individual, as determined by the Township, with adequate qualifications and demonstrated expertise in designing such systems. Any individual septic system larger than two thousand five-hundred (2,500) square feet shall require a plot plan and system design prepared by a Registered Professional Engineer.

#### 4. Property Access

By virtue of making application to the Township for any sewage testing and/or sewage permit the applicant grants permission to Lackawaxen Township and its agents to enter upon the subject property, perform the site evaluation and percolation testing according to DER regulations and Township policy, using generally accepted methods and procedures. If the applicant is not the owner of the subject property, the applicant shall provide to the Township from the owner, specific permission for the Township and its agents to enter upon the property to perform the necessary testing.

#### 5. Plot Plan

The Applicant shall provide information concerning the location and the component parts of the sewage disposal system on a plot plan drawn to scale and legible in every detail. The following information shall be included:

- a. Absorption area and any berms. Corners of absorption area and berms (if any) must be staked on site.
- b. Elevations of all four corners of the bed, the dose tank, and the center of the bed.
- c. Distance from bed and dwelling to property lines.
- d. Location of well(s) on the subject property.
- e. Any well on any property which is less than one-hundred fifty (150) feet to the proposed absorption bed.
- f. Degree and direction of slope.
- g. Cross section of bed with depth of sand and toe to toe dimensions.
- h. All property lines (corners must be marked on site).
- i. Existing and proposed structures, driveways, and other impervious areas.
- j. Wetlands as shown on USGS topographic maps and the Wetlands Inventory Maps published by the US Fish and Wildlife Service. If the Planning Commission or the Supervisors shall determine that the extent of the wetlands is significant, or that wetlands exist where said maps do not show wetlands, or that any wetland may be adversely affected by the proposed development, a detailed, site specific wetland delineation shall be submitted by the applicant. The Township shall have the right to approve the qualifications of the person making the delineation and/or to require certification of the delineation by the appropriate state or federal agency.
- k. Contours as needed to document slope.
- l. Any other information necessary to detail the site and system.
- m. Any other information as may be required by the SEO to determine compliance of the system.

In the case of small lot size, absorption area proposed at the minimum setback, or uncertain property line location, the SEO may require that said plot plan shall be a survey drawn and certified by a Professional Land Surveyor licensed in the Commonwealth of Pennsylvania.

#### 6. Applicant Responsibility

The applicant shall have the burden of determining the location of wells and other features on other lots as described herein, and the Township shall make its files available for inspection for this purpose. The Township SEO may rely upon the accuracy of the plot plan or survey, as the case may be, for all purposes described herein. In the event that subsequent investigation of information received following the issuance of the permit reveals inaccuracies or omissions in the plot plan or survey this shall be an adequate basis for revocation of any permit issued in reliance on the accuracy

of that plot plan or survey. Such revocation may be issued without prior notice to the applicant or the applicant's agents.

- B. Site Preparation and Testing: It shall be the responsibility of the applicant to have the site prepared for inspection including any digging of test pits or percolation test holes required by Chapter 73 of the Department's Rules and Regulations. The SEO shall have the authority, however, to refuse to accept the results of tests performed during unsuitable weather or when site conditions are such that the test results will not be indicative of the normal soil capacity to renovate wastewater (eg., during times of dry or drought conditions).
- C. Approval: Within seven (7) days of the Applicant's compliance with the procedures set forth in this Ordinance and the Applicant's submission of the completed application and all other required information, the SEO shall issue or deny the application. If the said application is approved, the SEO shall issue a permit and forward same to the Applicant. If the application is denied, the applicant shall be so notified in writing within seven (7) days of the SEO's denial.
- D. Inspection and Covering: The SEO shall be notified by the applicant not less than three (3) days before the start of construction of the system and at the following stages when inspections will be conducted by the SEO.
1. Chisel plow.
  2. Sand placement (Sand supplier certificates must be provided).
  3. Pressure test - final inspection.

In accord with Chapter 72-30, the SEO shall have a total of seventy-two (72) hours (not including Sundays and Holidays) to conduct the inspections following notice by the applicant.

Except as otherwise provided by the Act or DER Rules and Regulations, no part of the installation shall be covered until inspected and approved by the SEO. If any reinspection is required by the SEO, the applicant shall pay the additional fee as established by the Board of Supervisors in accord with this Ordinance.

- E. Validity: The construction and installation of both the sewage disposal system AND of any building or structure for which such system is to be installed shall be initiated within three (3) years from the date of issuance of the subject permit. Permits shall not be valid for more than three (3) years from the date of permit issuance.

If construction or installation of an individual or community sewage disposal system AND of any building or structure for which such system is to be installed has not commenced within three (3) years after the issuance of a permit for such system, said permit shall expire, and a new permit shall be obtained prior to the commencement of said construction or installation. For the purposes of this section, building or structure construction shall not be considered initiated until such time as the foundation has been completed and approved by the Township Building Inspector; and sewage system construction shall not be considered initiated until such time as the septic tank has been installed and the laterals have been approved by the SEO for covering.

- F. DER Approval: Any application for any individual sewage disposal system which either requires approval of DER or is an alternate or an experimental system shall receive the concurrence of DER in writing prior to the issuance of a permit by the SEO.
- G. Sewage Planning: No permits shall be issued for any lots, tracts, parcels or projects which, according to DER Rules and Regulations, require sewage planning documents associated with the Lackawaxen Township Official Wastewater Facilities Plan unless and until such documents have been reviewed by the Township Planning Commission and have been approved by the Township Board of Supervisors and DER. This shall include:
1. Land subdivisions;
  2. Residential land developments as defined by the PA Municipalities Planning Code, as amended;
  3. Community systems;
  4. Systems with a design flow of eight hundred (800) or more gallons per day.
- H. Engineering: All Applicants whose systems, which according to the provisions of Act 208 (S.B. 1550) of 1974 and amendments thereto, require that the design and construction be supervised by a Professional Engineer, shall pay all costs directly to the engineer retained by the Applicant.
- I. Standards For On-Site Systems: Unless otherwise provided for herein, the applicable standards shall be those set forth in the Rules and Regulations of the Commonwealth of Pennsylvania Department of Environmental Resources. The Township Board of Supervisors, however, may publish additional rules and regulations not inconsistent with the Department's Regulations.

#### 1. Isolation Distances

The following isolation distances shall be maintained:

- a. Fifty (50) feet between any septic tank, dosing tank, or holding tank and the top of bank of any stream (other than an intermittent stream) or any pond or lake one (1) acre or more in surface area.
- b. One-hundred (100) feet between any absorption area (elevated or sub-surface) and the top of bank of any stream (other than an intermittent stream) or any pond or lake one (1) acre or more in surface area.

#### 2. Minimum Absorption Area Size

The minimum absorption area size permitted shall be one thousand (1,000) square feet. In cases where a dwelling is proposed with more than three (3) bedrooms with sewage flows of more than four hundred (400) gallons per day, or where percolation rates exceed seventy-five (75) minutes per inch, absorption areas larger than one thousand (1,000) square feet may be required to meet minimum standards. Absorption areas may be reduced in size by one-third (1/3) in accord with DER Rules and Regulations when an aerobic septic tank is used.

### 3. Perimeter Drains

In cases where the SEO determines that site conditions are such that surface water or groundwater may cause hydraulic overloading of a sewage system, perimeter drains shall be required. The perimeter drains shall be of such design and construction to intercept the problem surface and/or groundwater and carry it away from the system. Such drains shall at a minimum be one (1) to two (2) feet in width and two (2) to four (4) feet in depth, but in all cases shall be adequate to intercept and carry problem water. Clean stone and/or gravel shall be placed in the trench around a perforated pipe not less than four (4) inches in diameter laid on the bottom of the trench. Prior to covering, the stone/gravel shall be covered with straw, tar paper, geotextile or other material to prevent the soil cover from clogging the stone. All DER isolation distances shall be maintained between the perimeter drains and the system.

- J. Commercial Systems: Any individual sewage disposal systems serving a commercial establishment as defined by DER shall meet the requirements of DER Rules and Regulations and all other applicable Township and State requirements.
- K. Exceptions: All installations of on-site sewage disposal systems must comply with the provisions of this Ordinance. There shall be no exceptions, including rural residences as defined in PA Act 208, and any amendments thereto.
- L. Verification of Prior Testing and Permit Renewal:

#### 1. Prior Testing by Others

Soils evaluations and percolation testing conducted by a sewage enforcement officer or other qualified person other than the Township SEO may be accepted by the Township SEO if he determines said testing is valid and it has been conducted in accord with DER Rules and Regulations. If the Township determines that the other testing is not acceptable, new testing shall be required in accord with this Ordinance.

#### 2. Prior Testing by Township SEO

Any site evaluations and percolation testing conducted by the Township SEO which predates by more than three (3) years the time of application for a sewage permit shall be subject to verification by the Township SEO to determine that site conditions have not changed such that the issuance of a sewage permit would be precluded. The applicant shall pay such fee for the verification as established by the Board of Supervisors in accord with this Ordinance.

#### 3. Permit Expiration and Renewal

Any sewage permit which has expired (three years from issuance) may be renewed by the SEO under the conditions of the original permit upon the applicant's payment of the fee for same established by the Board of Supervisors in accord with this Ordinance. If any changes to the original permit are proposed or if site conditions have changed such that the design of the system or issuance of the permit is affected, the SEO shall require new testing and/or permit application.

M. Renovation of Denied Lots: The placement of soil on any lot not meeting the requirements for the installation of a sewage system with the intent to test such fill for the installation of a system following a four (4) year period shall be in accord with DER Rules and Regulations. The placement of soil in accord with this Ordinance shall in no way guarantee that a sewage permit will be issued after the four (4) year period.

1. Notification

Any property owner proposing such soil placement shall provide written notice of same to the Township. Such notice shall include the name, address, and telephone number of the property owner, location of the property, lot number, and any other such information as may be necessary to identify the property.

2. Fee

The property owner shall pay such fee as is established for same by the Board of Supervisors in accord with this Ordinance.

3. Information Required

The property owner shall provide a plot plan including all the information required by Section V,A,5 of this Ordinance with respect to the proposed soil placement area.

4. Observation

The SEO shall conduct at least one (1) site visit to observe the placement of the soil, and the four (4) year period of renovation, as established by DER Rules and Regulations, shall begin upon the SEO's written notification to the property owner that the SEO has observed the soil placement.

5. Re-evaluation

Following the four (4) year period, the property owner may make application for a sewage permit for the renovation area in accord with the normal requirements of this Ordinance. If the renovation meets DER site evaluation and percolation standards and all other requirements of this Ordinance, the SEO shall issue a sewage permit for the renovated area.

## VI. COMMUNITY SYSTEMS

A. Requirements: A community sewage disposal system using an absorption area is any subsurface or elevated wastewater disposal system which services two or more buildings or dwelling units. Such systems shall be subject to all applicable DER Rules and Regulations and the same requirements of this Ordinance as individual on-site sewage disposal systems including the requirement for the submittal of a plot plan accurately showing all lots and units served by the system, and, in addition, shall meet the following requirements:

## 1. System Users

A list of the names and addresses of all users of the community system shall be provided to the Township. Any change in participation shall be immediately reported to the Township and a revised list of the names and addresses of all participants shall be submitted to the Township. Participants shall be equally liable for any expenses incurred by the Township in the inspection or permitting of said system or other related costs unless the participants have agreed among themselves to otherwise share expenses. Expenses incurred by the Township on the individual property of participants shall be assessed against the individual participant.

## 2. Individual Septic Tanks

Each structure connected to a community system shall be connected to a separate septic tank with a capacity of not less than one thousand (1,000) gallons; larger tanks shall be required based on the equivalent dwelling unit flow from the structure. Common dosing tanks shall be sized according to sewage flow and DER Rules and regulations.

## 3. Aerobic Systems

The absorption area for systems using aerobic septic tanks may be reduced in size by one-third (1/3) in accord with DER Rules and regulations. Each structure shall be connected to a separate aerobic tank.

## 4. Engineer Design

In cases where a system exceeding two-thousand five-hundred (2,500) square feet is proposed, the system design shall be prepared by a Professional Engineer.

**B. Large Systems:** In addition to the requirements of Subsection A, of this Section VI, Sewage planning in accord with the requirements of the Act and all applicable DER Rules and Regulations shall be conducted for the following types of sewage disposal systems:

1. Community systems with a design flow of ten thousand (10,000) gallons per day or more.
2. Community systems serving non-residential uses with a system design flow of eight-hundred (800) gallons per day or more.
3. Any other system as required by the Township or DER.

## VII. PORTABLE TOILETS

The temporary use of portable toilets at construction sites or sites of public gathering or entertainment in compliance with the rules and regulations of the Department of Environmental Resources, shall be permitted, provided that:

**A. Type:** Said toilet is made by a manufacturer approved by DER.

- B. Maintenance and Disposal: There is a maintenance contract with a reputable, bona-fide firm for the service of the portable toilets, a copy of which is filed with the Township SEO. All wastes shall be disposed of at a facility designated by the Pike County Solid Waste Management Plan.
- C. Permit and Fee: An application is made and a permit for the toilet has been issued by the SEO. A permit fee for same shall be paid to the Township in an amount which shall be set by resolution of the Board of Supervisors, and which takes into consideration the need for inspections by the SEO.
- D. Gatherings: When any portable toilet is used in conjunction with a private or public gathering or entertainment pursuant to this Section IX, use of said toilet, including the time of removal, shall not exceed fourteen (14) days, unless otherwise approved by the Board of supervisors. The toilet shall be removed within forty-eight (48) hours after the termination of the event.
- E. Construction Site: When any portable toilet is used in conjunction with construction project, said toilet be removed within forty-eight (48) hours after completion of construction. No certificate-of-occupancy shall be issued for the construction until and unless all portable toilets have been removed.
- F. Community Beaches and Parks - Portable toilets shall be permitted for seasonal use at community beaches and parks, and permits for same shall be obtained by the applicable community association. Permits for same shall not be valid for a period in excess of six (6) months and toilets shall be removed prior to the expiration of the permit.
- G. Long-Term Prohibition: Portable toilets shall not be used as a long- term method of sewage disposal, and shall not be used in the place of an approved on-lot system for any residential, commercial or other use which generates sewage.

## VIII. MALFUNCTIONS and REPAIRS

### A. All Systems

1. 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, except as specifically approved by DER pursuant to Section 202 and Section 207 of the Clean Streams Law. Unauthorized discharges shall be deemed to constitute malfunctioning sewage disposal systems and shall be a violation of this Ordinance and the Township Wastewater Facilities Plan. When so ordered by the Township SEO, an owner or operator of a malfunctioning sewage disposal system shall, within ten (10) days, contain or otherwise terminate said malfunction and, within thirty (30) days, correct such malfunction by taking measures which will achieve compliance with the current standards of DER's Rules and Regulations, including if necessary the reconstruction, upgrading or replacement of such system. Failure to contain the malfunction within ten (10) days or complete repairs within thirty (30) days of notice by the SEO shall constitute a violation of this Ordinance, unless the Board of Supervisors grant an extension of time for same based on good cause as demonstrated by the owner of the system.
2. Fees for work by the SEO in connection with malfunctions shall be established by resolution of the Township Board of Supervisors.

**B. On-Site and Community Systems:**

1. Where Chapter 73 standards cannot be met in the reconstruction of such a malfunctioning sewage disposal system due to inadequate land area, poor soils or other site characteristics, the SEO may order the use of water conservation devices, aerobic treatment tanks, septic tank modifications, holding tanks, or other measures to reduce the effluent flow or otherwise control effluent characteristics and thereby reduce the hydraulic and/or organic loadings on the system.
2. A malfunctioning sewage disposal system may be evidenced by discharge of effluent to the surface of the ground, bacteriological samples or dye tests which confirm pollution of wells or streams or the back-up of sewage into house sewers. The Township SEO shall, subject to the requirements and authority of the Sewage Facilities Act the Second Class Township Code, in response to written complaints by affected persons, or with other evidence of nuisance to the public health, inspect any property, determine the existence of a malfunction and direct remedial action.

A plot plan shall be prepared showing a layout of the lot and all surface features which may have caused or contributed to the malfunction including isolation distances to wells, streams, and the like. Soil survey information shall also be noted and analyzed. Before ordering other corrective action the Sewage Enforcement Officer may require the cleaning of the septic tank to ascertain whether the problem stems from a lack of maintenance. Regular periodic pumping may also be ordered.

3. Upon the property owner's completion of the required measures to correct the malfunction, the SEO shall make such inspections as may be necessary to determine compliance with this Ordinance and specify a schedule for periodic follow-up inspections to determine whether the corrective action has cured the problem.
4. The Township Board of Supervisors may also, upon evidence of more than one malfunction in a particular vicinity, as defined by the boundaries of a particular soil type, order the inspection of all sewage disposal systems in that area, and/or require regular periodic inspections for purposes of identifying and correcting malfunctions in high-risk areas. Additional criteria for defining the extent of such high-risk areas may be established by action of the Township Board of Supervisors.

**IX. ON-SITE AND COMMUNITY SYSTEM MAINTENANCE and SEPTAGE DISPOSAL**

- A. Required Maintenance: The Township Board of Supervisors or its authorized agent may require septic tanks to be pumped out at appropriate intervals for proper operation of the system if it finds that the system has a history of malfunctioning, that the number of people using the system has increased or for other good cause.

Each time a septic tank or other wastewater disposal system is pumped out upon an order by the Board of Supervisors, the septage waste hauler shall provide to the owner a signed receipt containing the following information:

1. The date of pumping.

2. Name and address of the owner.
3. Address of the tank location if different from that of the owner.
4. Amount of septage or other solid or semi-solid material removed.
5. Waste hauler's state license number permitting it to collect and haul septage in the Commonwealth of Pennsylvania.
6. Name and location of disposal site for the septage.

A copy of the receipt shall immediately be submitted to the Township by the property owner to confirm compliance with the pumping order issued by the Board of Supervisors.

- B. Disposal Site: All sludge or septage obtained by cleaning or pumping of any sewage disposal systems shall be disposed of in a manner consistent with the requirements of Chapter 75 of the Department's Rules and Regulations. The Township Board of Supervisors may, by resolution, establish requirements for the registration of firms or persons engaged in such business for the purpose of determining compliance with this Ordinance and DER Rules and Regulations.
- C. Fee: The Township Board of Supervisors, by resolution in accord with this Ordinance, may establish a fee to be paid by the system owner to the Township to defray Township administration expense associated with the maintenance action.

## X. HOLDING TANKS

Holding tanks shall not under any circumstances be approved to serve as a permanent method of sewage disposal for the development of an unimproved lot, or as a substitute for an approved sewage disposal system to serve a newly proposed use or an expansion of an existing use.

- A. Holding Tanks Permitted: Holding tanks may be permitted by the Board of Supervisors only under the following conditions.
1. As a temporary means while a malfunctioning system is being corrected.
  2. For the correction of a malfunctioning system when no other means of correction is possible due to site or soil conditions which preclude correction in accord with DER Rules and regulations.
  3. Where a property owner proposes to upgrade an existing system which is deficient from DER Rules and Regulations, or where an existing structure has no system, and no other means is possible due to site or soil conditions which preclude the upgrade in accord with DER Rules and Regulations.
- B. Requirements: In cases where holding tanks are permitted the following requirements shall apply.
1. The applicant shall obtain a permit from the Township SEO who shall inspect the holding tank following its installation and prior to its use.

2. A fee shall be charged for the holding tank permit as established by the Board of Supervisors.
3. The minimum holding tank size shall be one thousand (1,000) gallons which shall be installed in accord with proper and generally accepted practices, including alarms to monitor sewage levels.
4. The applicant shall provide a signed and notarized certification to the Township that the tank will be pumped to prevent sewage discharge; said pumping to be done in accord with DER Rules and Regulations regarding disposal of the sewage and any local or county pumper licensing or disposal requirements.

## XI. FEES

An application fee in the form of a check or money order made payable to Lackawaxen Township shall accompany all applications for any sewage disposal testing, permits or other activities regulated by this Ordinance. Said application fees shall be established, from time to time, by the Board of Supervisors by resolution.

Fees shall represent the administrative cost of system review, inspection, and approval. Fees do not cover the cost of the digging of holes or pits. Such work must be done by and paid for by the Applicant.

## XII. APPEALS AND HEARINGS

When the said application for permit is denied or revoked, the appeal procedure shall be as follows:

- A. Upon receipt by the applicant of a notice of denial of a permit, the Applicant may, within thirty (30) days, request in writing on a form provided by the Township, a hearing before the Township Board of Supervisors, and said hearing shall be conducted within fifteen (15) days from the date of receipt of the request. The SEO and DER shall be notified of the hearing.
- B. Upon receipt by the applicant of a notice of revocation of a permit, the Applicant may, within ten (10) days, request in writing a hearing before the Township Board of Supervisors, and said hearing shall be conducted within fifteen (15) days from the date of receipt of the request. The SEO and DER shall be notified of the hearing.
- C. Any party aggrieved by a decision of the Township Board of Supervisors may appeal to the Court of Common Pleas within thirty (30) days of the date of such decision. Notice of appeal shall be served on the Township Board of Supervisors, and proof of such service shall accompany the filing of the appeal.

## XIII. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance be held invalid, the validity thereof shall not effect any of the other provisions of this Ordinance.

#### XIV. VIOLATIONS AND PENALTIES

The planning, design, construction, operation and/or maintenance of any sewage disposal system shall be undertaken only in accord with the requirements of this Ordinance. Any owner, licensed operator, person, association, or corporation who plans, constructs, operates and/or maintains any sewage disposal system not in accord with any of the planning, design, construction, operation, maintenance, testing, reporting and/or any other requirements of this Ordinance, or who violates any of the conditions of approval attached to any permit issued in accord with this Ordinance, shall be considered to be in violation of the Ordinance.

Any such owner, licensed operator, person, association, or corporation in violation of any provisions of this Ordinance shall be guilty of a summary offense and shall be subject to a fine of not less than \$100.00 nor more than \$300.00 plus costs for each and every offense; or, in default thereof, shall be confined in the county jail for a period of not more than thirty (30) days. Every day in which said violator fails to comply with the provisions of this Ordinance shall constitute a new and separate offense.

#### XV. REPEAL

The enactment of this Ordinance shall serve as a repeal of any Lackawaxen Township Sewage Ordinance now in effect, and any other Ordinance inconsistent herewith.

#### XVI. EFFECTIVE DATE

This Ordinance shall be effective five (5) days from the date of adoption.

#### XVII. ADOPTION

Adopted this 19<sup>th</sup> day of May, 1993 by the Board of Supervisors, Lackawaxen Township, Pike County, Pennsylvania.

Lackawaxen Township Supervisors

John A. McKay  
Thomas J. DeLo  
Gerard V. Wick

ATTEST:

Carol Varho