

ORDINANCE NO. 627

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE INSPECTION, PUMPING, MAINTENANCE, OPERATION, REHABILITATION AND ADMINISTRATION OF ONLOT SEWAGE SYSTEMS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, Hatfield Township (the “Township) has an obligation to provide for and/or insure adequate sewage treatment and protection of the public health by preventing the discharge of untreated or inadequately treated sewage as mandated by municipal codes, the Clean Streams Law (35 P.S. §691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. §750.1 et seq.).

WHEREAS, the Township Act 537 Official Wastewater Facilities Plan has evaluated the need to provide adequate sewage facilities and has found the formation of an On-Lot Sewage Management Program to be an effective method of preventing and abating water pollution and hazards to the public health.

WHEREAS, the purpose of this Ordinance is to: (1) keep the Township compliant with the requirements of the Clean Streams Law (Act of 1937, P.L. 1987, No. 394) and the Pennsylvania Sewage Facilities Act (Act of 1966 P.L. 1535, No. 537, as amended, known as Act 537); (2) provide for inspection, pumping, maintenance, and rehabilitation of on-lot sewage disposal systems; (3) establish penalties and appeal procedures necessary for the proper administration of such a management program.

WHEREAS, the Commissioners of the Township after due consideration of the proposed ordinance at a duly advertised public meeting, has determined that the health, safety and general welfare of the citizens and residents of Hatfield Township will be served by the passing of the within ordinance.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Commissioners of Hatfield Township, Montgomery County, Pennsylvania, as follows:

§I. Amendment of the Code.

Chapter 224, Sewers and Sewage Disposal, Article IV, On-Lot Sewage Management Program is hereby amended as follows:

i. Section 224-38, Subsection A is hereby amended to read as follows:

A. Upon adoption of this Ordinance, The Township shall provide written notification to all owners of property served by an on-lot sewage system that their system must be pumped within 90 days of receipt of notification or provide notification to the Township that the on-lot system had been pumped within the previous three (3) years. Thereafter, the Township shall follow a schedule whereby all of the owners of properties within the Township served by an on-lot sewage system are notified once every three (3) years. The notified property owners must have the sewage system pumped within the time specified in the Township’s letter, unless the owner(s) can provide the Township with a pumping certification indicating that the on-lot sewage system was pumped within one (1) year prior to the date of the Township’s notice letter.

ii. Section 224-38, Subsection B is hereby amended to read as follows:

B. Commencing from the date of the pumping as prescribed in section 224-38(A), removal of septage or other solids from an on-lot sewage system shall be performed at least once every three (3) years thereafter or whenever an inspection reveals solids or scum in excess of 1/3 liquid depth of the tank, or more frequently if recommended by the manufacturer of any of the component parts of the system. The property owner shall furnish a copy of the pumping certification to the Township within thirty (30) days of the date of the pumping.

iii. Section 224-38, Subsection C is hereby amended to read as follows:

C. The Township may allow an on-lot sewage system to be pumped out at less frequent intervals when the owner can demonstrate that the sewage system and/or uses thereof are unique and do not require pumping every three (3) years. In no case shall such period extend beyond six (6) years. The Township shall solely determine if an extension of time will be granted and the length of the extension.

iv. Section 224-38, Subsection G is hereby amended to read as follows:

G. Any person owning a structure served by a sewage system containing an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. In no case may the service or pumping interval for aerobic treatment tanks exceed that required for septic tanks. The Owner shall provide an adequate supply of electrical power with the proper phase, frequency, and voltage as recommended by the equipment manufacturers of the various components of the system.

§II. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, it being understood and intended that all ordinances and the Code of Ordinances for the Township of Hatfield such as are not otherwise specifically in conflict or inconsistent with this ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

§III. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions shall be separate, distinct and independent, and such holding shall not effect the validity of the remaining portions of this Ordinance.

§IV. Failure to Enforce not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

§V. Effective Date.

This ordinance shall take effect within five (5) days of passage.

§VI. Enactment.

Under the authority conferred by the First Class Township Code and other relevant statutory law, the Commissioners of the Township of Hatfield in the County of Montgomery, Commonwealth of Pennsylvania do hereby enact and ordain this ordinance to the Code of Ordinances for the Township of Hatfield this _____ day of _____ 2011.

HATFIELD TOWNSHIP

Attest: _____

By: _____