

**YORKANA BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020-

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE
MAINTENANCE OF ON-SITE SEWAGE DISPOSAL SYSTEMS**

WHEREAS, Yorkana Borough desires to establish rules and regulations for the maintenance of on-site sewage disposal systems.

NOW THEREFORE BE IT ENACTED AND ORDAINED as follows:

SECTION I. DEFINITIONS.

- A. Borough – Yorkana Borough, York County, Pennsylvania.
- B. Commercial or Industrial Structure – A structure designed for use as a place from which to manufacture, fabricate, work with, store or sell any items.
- C. Dwelling Lot – A lot, tract, or parcel of land containing one or more dwelling units or commercial or industrial structures.
- D. Dwelling Unit – A building or structure containing one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit.
- E. Owner of Real Estate –
 - 1. The owner, either individually or in combination with others, of any Commercial or Industrial Structure, any Dwelling Lot, any Dwelling Unit, or any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including, without limitation, an estate in fee simple, life estate or perpetual leasehold; or
 - 2. The owner, either individually or in combination with others, of any Commercial or Industrial Structure, any Dwelling Lot, any Dwelling Unit, or any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term of the grant of a right to extend the term by renewable or otherwise, consists of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold, including without limitation, a lease hold interest or possessory

interest under a lease or occupancy for a term of thirty (30) days or more or a leasehold interest of possessory interest in real estate in which the lessee has equity; or

3. The owner, either individually or in combination with others of any Commercial or Industrial Structure, any Dwelling Lot, any Dwelling Unit, or any interest in real estate which, upon satisfaction of obligations contained in a certain agreement, will entitle the purchaser to obtain an interest in the real estate described in subparagraphs 1 or 2 above, provided possession is or is to be transferred to such agreement and prior to the completion of the obligations set forth in such agreement.

F. On-Site Sewage Disposal System – Any system of sewage disposal other than a public sewer system.

G. Malfunction(ing)(s) – The condition which occurs when an On-Site Sewage Disposal System discharges sewage onto the surface of the ground, into ground waters of the Commonwealth, into surface waters of the Commonwealth, backs up into the building connected to the system or otherwise causes a nuisance hazard to the public health or pollution of the ground or surface water or contamination of public or private drinking water wells. It shall also be a malfunction if any of the approved parts or components of the system are not present or are not functioning as designed. Systems shall be considered to be malfunctioning if any of the conditions noted above occur for any length of time during any period of the year.

H. 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.*

I. Pumper/Hauler – Any person registered in compliance with this Ordinance, and licensed by the Department of Environmental Protection and/or other governmental agency to engage in cleaning any or all components of a community or individual On-Site Sewage Disposal System, holding tanks, privies, aerobic tanks, cesspools, or any other sewage disposal facility within the Borough and evacuate and transport the sewage cleaned therefrom, whether for a fee or free of charge.

J. Pumpers Report/Receipt – York County Sludge Septage Manifest Report.

K. Sewage Enforcement Officer (SEO) – the Sewage Enforcement Officer appointed by the Borough.

SECTION II. INTENT OF ORDINANCE.

It is the intent of this Ordinance that no On-Site Sewage Disposal system within the Borough be permitted to Malfunction. Any Owner of Real Estate, that is served by an

On-Site Sewage Disposal System must maintain the On-Site Sewage Disposal System at all times in working order. Failure to maintain the On-Site Sewage Disposal System or permitting a Malfunction of said On-Site Sewage Disposal System at any time shall be a violation of this Ordinance which shall subject an Owner of Real Estate to penalties as stated in Section VI of this Ordinance. It is the further intent of this Ordinance that to ensure the accomplishment of the aforesaid that each on-site sewage disposal system be pumped and inspected at least once every four (4) years and more frequently at the discretion of the Sewage Enforcement Officer, and that all Malfunctions found during such inspections be promptly repaired in accordance with the Sewage Facilities Act.

SECTION III. PUMPER/HAULER REGISTRATION.

All Pumper/Hauler(s) shall at least 7 days before offering pumping/inspection services to any Owner of Real Estate within the Borough:

- A. Register with the Borough and agree to comply with all reporting requirements established herein.
- B. Operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act, Act 97 of 1980, 35 P.S §§6018.101-6018.1003.
- C. Provide documentation that all septage pumped from properties in this Borough will be delivered to a DEP approved site or facility.
- D. Provide evidence of workman's compensation and liability insurance coverages.

SECTION IV. DUTIES OF OWNER.

Each Owner of Real Estate whose sewage needs are provided by an On-Site Sewage Disposal System shall within three hundred sixty-five days (365) days following the sending of notice have the On-Site Sewage Disposal System pumped and inspected by a Pumper/Hauler. Prior to the scheduling of such pumping and inspection the Owner of Real Estate must extend to surface grade the manhole of any septic tank and must cause any cesspool or dry well to be accessible for inspection. A notice shall be conclusively presumed to have been sent if it is deposited in the U.S. mail addressed to the Owner of Real Estate of any interest in the property served by the On-Site Sewage Disposal System and is sent to the address of such owner as set forth in the records utilized for the assessment of real estate taxes. It shall be a violation of this Ordinance if any Owner of Real Estate given notice as above provided, fails to have the On-Site Sewage Disposal System to be pumped and inspected within three hundred-sixty five days (365) days following the sending of notice. A notice of violation will be sent to the Owner of Real Estate if the Borough has not received a copy of the York County Sludge/Septage Manifest Report within ten (10) days from the three hundred sixty-five (365) day deadline to have the system pumped and inspected at which time the Owner of Real Estate shall be subject to penalties imposed under Section VI of this Ordinance.

In the event the inspection finds and the Sewage Enforcement Officer confirms in writing that the On-Site Sewage Disposal System is Malfunctioning the Owner of Real Estate shall within two (2) days of the occurrence of such violation apply to the Sewage Enforcement Officer for a permit to repair or replace such system unless a permit for the required repair or alteration is not required, in which case the Owner of Real Estate shall within ten (10) days repair the system, and within ten (10) days of being requested to do so, shall make such tests as the Sewage Enforcement Officer deems necessary to enable the Sewage Enforcement Officer to determine whether the sewage disposal system can be repaired and if so, how it can be repaired, or it cannot be repaired whether it can be replaced and if so, how it can be replaced. The Sewage Enforcement Officer shall investigate the conditions and evaluate the tests made by the Owner of Real Estate, and if the Sewage Enforcement Officer determines the system can be repaired, or alternatively be replaced, the Sewage Enforcement Officer shall issue a permit authorizing such repair or replacement and shall set forth on the permit or on the attachment thereto, the steps that the owner is to take to effect the repair and/or replacement of the system.

The Owner of Real Estate shall within ten (10) days of the issuance of such permit, complete the repair and/or replacement of the sewage disposal system in accordance with the requirements set forth on the permit or on the attachment thereto unless the Sewage Enforcement Officer grants an extension of time in writing, in which event the repair and/or replacement shall be completed within the extended time. No work shall be covered until inspected by the Sewage Enforcement Officer.

The Owner of Real Estate upon which an On-Site Sewage Disposal System is constructed shall at all times operate and maintain the On-Site Sewage Disposal System in such condition as will permit it to function in the manner in which it was designed and to prevent the unlawful discharge of sewage.

SECTION V. DUTIES AND RESPONSIBILITIES OF PUMPER/HAULER.

- A. Upon completion of each required pumping, the Pumper/Hauler shall:
1. Complete a York County Sludge/Septage Manifest Report.
 2. Deliver the original York County Sludge/Septage Manifest Report to the Owner of Real Estate.
 3. Deliver a copy of the fully completed York County Sludge/Septage Manifest Report to the Borough not later than the tenth business day of the month following the month of inspection.
 4. The York County Sludge/Septage Manifest Report shall be completely filled out with all field observations completed, including under "Other" noting any issues with any pumps, alarms, filters, etc.

- B. Initial and periodic tank pumping shall be performed to the requirements of the Act, unless other standards are specified by an equipment manufacturer.

SECTION VI. PENALTIES.

Any individual, firm or corporation found to be in violation of any of the provisions of this Ordinance shall be subject to penalty in the amount of one thousand dollars (\$1,000.00) for each and every violation. Each day following the ten (10) day period provided in Section IV hereof without the Owner of Real Estate making arrangements for inspection or each day following the ten (10) day period provided in Section IV hereof without the Owner of Real Estate causing the On-Site Sewage Disposal System to be pumped and inspected, shall constitute a separate and distinct offense and each day that any individual, firm or corporation removing contents from an On-Site Sewage Disposal System fails to provide the information required by Section V to the Borough shall constitute a separate offense. Additionally, any Owner of Real Estate that is served by an On-Site Sewage Disposal System permitting an ongoing Malfunction in violation of Section II, shall constitute a separate and distinct offense for each day the offense occurs. Upon a Violation as set forth in this Section VI, the Borough may bring an action to assess the penalties in any Court of competent jurisdiction. In any action brought, in addition to the penalties as provided herein, the Borough would be entitled to collect all its costs including but not limited to reasonable attorney fees and court costs.

SECTION VII. SEVERABILITY. If any section, subsection, sentence or clause of this Ordinance is held, for any reason to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION VIII. EFFECTIVE DATE. This Ordinance shall be effective five (5) days after enactment.

ADOPTED AND ORDAINED this ____ day of _____ 2020.

ATTEST:

YORKANA BOROUGH COUNCIL

Secretary

President

(SEAL)

Approved this ____ day of _____ 2020.

By: _____
Mayor