

ORDINANCE NUMBER 1 OF 2013

AN ORDINANCE ADOPTING REGULATIONS FOR ON- LOT SEWAGE DISPOSAL SYSTEMS AND THE LICENSING OF SEWAGE HAULERS AND SEWAGE SLUDGE HAULERS IN FANNETT TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA.

WHEREAS, Fannett Township is being required by the Pennsylvania Department of Environmental Protection to adopt regulations concerning on-lot sewage disposal systems; and

WHEREAS, Fannett Township recognizes that On-Lot Sewage Disposal regulations are necessary; and

WHEREFORE, the Board of Supervisors of Fannett Township does hereby adopt said Ordinance as follows:

Section 1.1 Introduction

As mandated by the Second Class Township Code, 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 Fannett 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.

Section 1.2 Purpose

The purpose of this Ordinance is to provide for the inspection, maintenance and repair of on-lot sewage disposal systems; to further permit the Board 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.

SECTION 2. DEFINITIONS

Act 537- The Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. §750.1 et. seq.

Authorized Agent: A certified Sewage Enforcement Officer, code enforcement officer, professional engineer, the Township secretary, or any other qualified or licensed person who is designated by the Board to function within specified limits as the agent of the Township to carry out the provisions of this Ordinance.

Board: The duly elected Board of Supervisors of Fannett Township, Franklin County, Pennsylvania.

Code Enforcement Officer (CEO): An individual employed or designated by the Township to administer and enforce one or more ordinances in the Township.

Community On-Lot Sewage System: A community sewage system which uses a system of piping, tanks, or other facilities for collecting, treating, and disposing of sewage into a soil absorption area or holding tank for more than one (1) residential and/or commercial structure.

Department: The Department of Environmental Protection of the Commonwealth of Pennsylvania (Pa DEP), or its successor agency.

Holding Tank: A tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.

Individual On-Lot Sewage System: An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating, and disposing of sewage into an absorption area or holding tank.

Local Agency: A municipality (or any combination of municipalities acting cooperatively or jointly under the Laws of the Commonwealth), county, county department of health, or joint county department of health.

Malfunction: The condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into the building connected to the on-lot sewage disposal system, or otherwise causes a nuisance hazard to the public health or the pollution of ground or surface water or contamination of public or private drinking water wells. On-lot sewage disposal systems shall be considered to be malfunctioning if any of the conditions noted above occur for any period of time during any period of the year.

Official Sewage Facilities Plan: A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Township and approved by the Pennsylvania Department of Environmental Protection, as described in and required by the Pennsylvania Sewage Facilities Act.

On-Lot Sewage Disposal System: May include either an Individual On-Lot Sewage System or a Community On-Lot Sewage System.

Pennsylvania Sewage Facilities Act- The Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. §750.1 et. seq. Also known as Act 537.

Person: An individual, association, public or private corporation, whether for profit or not-for-profit, partnership, firm, trust, estate, department, board, bureau or agency of the United States, State, Commonwealth, political subdivision, municipality, district, authority, or another legal entity which is recognized by law as the subject of rights and duties. The term includes the members of an association, partnership, or firm and the officers of a local agency or municipality, or a public or

private corporation, whether for profit or not-for-profit.

Property: any tract of real estate whereon a system is or is intended to be located within the Management District.

PSMA: Pennsylvania Septage Management Association, or its successor organization.

Repair: Work done to modify, alter, enlarge or replace any portion of an existing on-lot sewage disposal system.

Replacement Area: A portion of a lot or a developed property, appropriately sized to allow for the installation of a second on-lot sewage disposal area, which is necessary when the originally installed on-lot sewage disposal system malfunctions and cannot be properly repaired.

Sewage: Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law," as amended.

Sewage Enforcement Officer (SEO): The appointed official of the local agency who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement Act 537 and the rules and regulations promulgated hereunder. All individuals serving as Sewage Enforcement Officers for the Township shall be certified by the Commonwealth.

Sewage Management Program: A comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance and other administrative requirements adopted by the Township to effectively administer, manage, and regulate the disposal of sewage.

Sewage Sludge: The coarse screenings, grit, and de-watered or air-dried sludges, septic and holding tank pumpings, and other residues from municipal and residential sewage collection and treatment systems.

Subdivision: The division or re-division of a lot, tract, or other parcel of land into two or more lots, tracts, parcels, or, other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by court for distribution to heirs or devisees, transfer of ownership, or building or lot development. Whenever a lot is used for a more than one residential dwelling unit or one or more multiple family dwellings or for commercial, institutional, or industrial purposes, the lot shall be deemed to have been subdivided (and shall fall within this definition of a subdivision) into an equivalent number of single family residential lots, as determined by estimated sewage flows.

Township: Fannett Township, Franklin County, Pennsylvania, and its Board of Supervisors.

SECTION 3. APPLICABILITY

From the effective date of this Ordinance, its provisions shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing, repairing, or replacing on-lot sewage disposal systems. Any contractual conditions for use of a Property (such as, but not limited to, a lease) shall not operate to relieve the owner of any of the obligations imposed by this Ordinance, but any owner may notify the Township in writing of the names of all adult tenants of a leased property for purposes of sending notices, bills, and other communications during the leasehold period. Primary responsibility for compliance shall always remain with the property owner.

SECTION 4. PERMIT REQUIREMENTS

A. No person shall install, construct, or request bid proposals for construction or alteration of an individual on-lot sewage system or community on-lot sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual on-lot sewage system or community on-lot sewage system is to be installed, regardless of lot size, without first obtaining the appropriate permit from the Township's Sewage Enforcement Officer. Such permit shall indicate that the site and the plans and specifications for such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act, the standards and regulations adopted pursuant to Act 537, and all applicable Township Ordinances.

B. No absorption area construction, including chisel plowing of the site, shall commence, without obtaining approval from the Township's Sewage Enforcement Officer. Approval shall be granted by the Sewage Enforcement Officer, and a random installation code/number shall be assigned to the site. The installation code shall be recorded on the septic permit by the applicant and/or agent and by the Sewage Enforcement Officer on the original copy of the permit for verification of approval to start construction.

C. No system or structure designed to provide individual or community on-lot sewage disposal shall be covered from view until approval to cover the same has been given by the Township Sewage Enforcement Officer. If 72 hours have elapsed, excepting Sundays and holidays, since the Sewage Enforcement Officer issuing the permit received written notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the Township Sewage Enforcement Officer. Applicant shall be responsible for providing proof of receipt by the Township Sewage Enforcement Officer of the notice required herein.

D. The Township may require applicants for sewage permits to notify the Township's Sewage Enforcement Officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspections(s), in addition to the final inspection required by Act 537, may be scheduled and performed by the Township's Sewage Enforcement Officer.

E. No building or occupancy permit shall be issued by the Township or its codes enforcement officer for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Township's Sewage Enforcement Officer.

F. 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 Code Enforcement Officer and the structure's owner receive from the Township's Sewage Enforcement Officer either a permit

for alteration or replacement of the existing on-lot sewage disposal system or written notification that such a permit will not be required. The Sewage Enforcement Officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

SECTION 5. MAINTENANCE OF SYSTEMS

A. Every on-lot sewage disposal system shall be maintained at all times by the owner and tenant of a property in such condition as will permit it to function in the manner in which it was designed and such as to prevent the unlawful discharge of sewage. The owner of the property shall have the ultimate responsibility of on-lot sewage disposal system maintenance.

B. Each person utilizing an on-lot sewage disposal system shall maintain the area around such system so as to provide convenient access to the on-lot sewage disposal system for inspection, maintenance, and pumping.

C. All septic tanks having an on-lot sewage disposal system shall be pumped out within three (3) years of the effective date of this ordinance and every three (3) years thereafter. Any person owning a building served by an on-lot sewage disposal system that contains a septic tank shall have the septic tank pumped empty by a certified hauler within the timeframe indicated in notification from the Township to do so. After the initial pumping period, all septic tanks shall be subject to inspection every three years. At no time shall the depth of the scum be below the depth of the outlet baffle. If this condition should occur, then the tank shall immediately be pumped.

In the event any person had their septic tank pumped within twelve (12) months of a Notice to Pump and said person can verify said pumping with a dated ~~certified haulers~~ receipt with no indication of system malfunction(s), then said person shall be exempt from pumping their septic tank during their cycle.

D. Holding tanks shall also be pumped out at such intervals as will prevent overflow, leakage, backup, and other malfunctions of an overloaded system. No on-lot sewage disposal system shall be altered, damaged, by-passed, or otherwise utilized in a manner which is not consistent with its intended purpose to prevent sewage from entering the surrounding soil.

E. The pumping requirement for septic tanks may be increased to more frequent intervals for proper operation of the on-lot sewage disposal system if the Township finds that the on-lot sewage disposal system is undersized, that the on-lot sewage disposal system is malfunctioning, that the on-lot sewage disposal system has malfunctioned in the past, that seasonal use will significantly increase use of the on-lot sewage disposal system, that the number of people using the on-lot sewage disposal system has increased, that solid build up in the tank is above average, that the hydraulic load on the system increased significantly above average, that a garbage grinder has been installed, or for other good cause. The Township shall terminate its requirement for increased frequency of pump-out upon elimination of the factor causing the requirement. An owner may appeal the determination of an increase in the required frequency of pump-out through the appeal process set forth in Section 12 of this Ordinance.

F. The Township will allow other maintenance activities to be performed to an on-lot sewage disposal system during regularly scheduled pump-out of the septic tank. These additional

maintenance activities are limited to (1) cleaning and unclogging of pipelines from the structure to the septic tank only, (2) replacement of inlet and/or outlet baffles in the tank, (3) installing effluent filters and/or gas deflectors, (4) installing risers, and (5) maintenance of surface contouring and other measures, consistent with Chapter 73 (relating to standards for onlot sewage treatment facilities) to divert stormwater away from the treatment facilities and absorption areas and protection of the absorption areas from physical damage. Any additional activity may not be performed without a valid sewage permit issued by the Township Sewage Enforcement Officer.

G. If any inspection of an on-lot sewage disposal system reveals the need to pump out or perform maintenance on a septic tank prior to its next regularly scheduled pump-out, the owner shall complete the necessary maintenance activity within thirty (30) days of receipt of the inspection report. If such activity is not completed within this time period, the Township may undertake the required activity and the costs therefore shall be assessed against the Owner plus \$15.00 for overhead, administration, and supervision.

H. All septic tanks shall be pumped out by a Hauler licensed in accordance with Section 11 of this Ordinance. A manifest receipt, on forms issued by the Board or certified agent, shall be provided for the owner by the licensed hauler. The proper manifest receipt shall be submitted to the Township Supervisors, it's Authorized Agent, to serve as proof of compliance with pump-out requirements of Section 5 of this ordinance. A copy of the receipt manifest shall be retained by the owner for record-keeping purposes.

I. Each time a septic tank or retaining tank is pumped out, the Township, its authorized agent, or a township approved sewage waste hauler, whichever provides the service, shall provide for the owner of the system a signed receipt containing the following information: date of pumping; name and address of system owner; address of tank's location if different from owner's; size of the tank; age of the system; date of last pump-out; list of other maintenance performed; any indications of system malfunction observed; amount of sewage removed; cost of pumping service; hauler state license number permitting it to collect and haul sewage in the Commonwealth of Pennsylvania; any recommendations.

1. A receipt shall be submitted to the Township to serve as proof of compliance with pump-out requirements of Section Five of this Ordinance. A copy shall be retained by the system owner.

2. Receipts from the hauler shall be submitted to the Township within five (5) business days following the end of each month.

3. All haulers shall be licensed by the Township and shall submit written reports to the Township for all pumping activity and shall indicate the condition of the tank.

SECTION 6. INSPECTION OF SYSTEMS

A. Systems may be inspected by the Board, or its authorized agent, at any time to determine whether or not the on-lot sewage disposal system is operating properly. Such inspection may occur in different months of each inspection year and shall include inspection of such components of the on-lot sewage disposal system as the Inspector deems necessary. Inspection may include

sampling of soils in and around the disposal field, surface water on or adjacent to the property and ground water from active or inactive wells in and around the disposal field. It may also include review of manifest receipts for pumping of an on-lot sewage disposal system or holding tank. Landowner is responsible for any and all costs associated with this paragraph. The Township may charge a reasonable fee for inspection service which shall be paid by the landowner within thirty (30) days of invoicing.

B. Inspection on any property may occur if an on-lot sewage disposal system is reported as currently malfunctioning, if a previous inspection reveals a malfunctioning on-lot sewage disposal system, if the on-lot sewage disposal system has malfunctioned in the past, if seasonal use will significantly increase use of the on-lot sewage disposal system, if the number of the people using the on-lot sewage disposal system increases, and for other good cause.

C. An inspection report to the Board shall be made in writing when any authorized Agent has inspected a Property and observed a malfunctioning system. After receiving a signed, written complaint by any person of the existence of a possible malfunction, the Board may cause an inspection of the on-lot sewage disposal system to be made by the Township Sewage Enforcement Officer, at the expense of the property owner.

1. If the complaint is founded, all costs associated with investigating the complaint will be the landowner's responsibility.

2. If the complaint is unfounded, the Township may, at its sole discretion, assess the costs of investigating the complaint against the complainant.

D. A copy of the inspection report shall be furnished to the occupant of the property and the owner, at the owner's last known address, and shall contain, insofar as reasonably ascertainable, the date of inspection, name and address of on-lot sewage disposal system owner as appears on the records of the Township, a description and diagram of the location of the on-lot sewage disposal system, the apparent size of the tank and disposal field, the number of users, any indications of on-lot sewage disposal system malfunction observed, the results of any soil and water tests, the indicated frequency of pumping the tank and any required remedial action.

E. A newly installed or repaired on-lot sewage disposal system must be built with (1) markers and (2) a riser built to grade over all compartments, and (3) an access hatch. The riser and access hatch shall be constructed so as to enable easy access to the waste disposal tank and prevent odors from escaping, prevent children from removing the hatch, and provide accessibility for provisional inspection, and maintenance shall be provided in the drainage fields via 4 inch vertical non-perforated PVC pipe connected directly to the drain tile at a minimum of four locations in the drainage field. A new or repaired holding tank shall have installed a marker or markers at ground level locating the sub-surface tank and means of access to the tank to enable inspection and removal of sewage by the hauler.

F. All existing holding tanks shall have a visual content level indicator attached which is maintained in good working order at all times.

G. If any system is found to be in violation of Act 537 or of this ordinance, the property owner shall be responsible to reimburse the Township for the actual cost of inspection, documentation, and

compliance.

SECTION 7. REPAIR OF MALFUNCTIONING SYSTEMS

- 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 Board, or its Authorized Agent, to correct the conditions caused by the malfunction. Repair shall be performed in accordance with "Chapter 73, Standards for Sewage Disposal Facilities" of Title 25, Rules and Regulations,

Department of Environmental Protection, as amended and/or superseded. The Township Sewage Enforcement Officer shall inspect repair and certify compliance with local and state standards, by issuance of permit.

- B. Repair, modification, or replacement pursuant to direction of the Board, or its Authorized Agent, shall commence within thirty (30) days of issuance of the order and shall be completed within ninety (90) days unless seasonal conditions mandate a longer period, in which case the Board shall set the extended completion date. If work is not commenced or completed within the allotted time period, the Board, or its Authorized Agent, or a private party under contract to the Board may, but need not undertake the required repair, modification or removal. If performed by a private party at the direction of the Board, the private contractor shall be paid by the Township for work performed, and the property owner shall be assessed for costs incurred.

- C. The Owner of any on-lot sewage disposal system shall not undertake any independent repair, modification, or replacement of a system without approval of the Township Sewage Enforcement Officer. Upon completion, the Township Sewage Enforcement Officer shall inspect the repaired on-lot sewage disposal system and certify its compliance with state and local standards by a notation of final approval on the permit.

- D. If, in the opinion of the Board, or its Authorized Agent, an on-lot sewage disposal system cannot be repaired, modified or replaced in order to abate a malfunction, or if repairs, modification, replacement, or maintenance has not been performed within applicable time limits, notice shall be given to the owner(s) and tenant(s) of such condition, and that operation of the system must be terminated. Either tenant or owner may appeal such determination through the appeal process detailed in Section 12 of this Ordinance, and must exhaust such appeal remedy before appealing to a Court.

SECTION 8. OPERATION OF ON-LOT SEWAGE DISPOSAL SYSTEMS

- A. All on-lot sewage disposal systems shall be operated by the user in such manner as will be in full compliance with the terms of this Ordinance, all other Township Ordinances, as amended from time to time, and all Commonwealth statutes, rules, and regulations, as amended from time to time.

- B. Only sewage and normal domestic wastes shall be discharged into an on-lot sewage disposal system. The following waste shall not be discharged into the on-lot sewage disposal system: fats, grease and garbage grindings, automobile oil, toxic or hazardous substances, or chemicals, including

but not limited to: pesticides, disinfectants, acids, paint, paint thinner, herbicides, and solvents.

C. All sewage and discharges of water resulting from usage in any structure shall be discharged only into the treatment tank and, ultimately, into the on-lot sewage disposal system on the property.

D. Users are encouraged to minimize water use and install water saving devices in order to increase efficiency and promote a longer life of the on-lot sewage disposal system.

SECTION 9. RIGHT OF ENTRY; EASEMENT

A. Any Authorized Agent, upon presentation of proper identification, shall be permitted to enter upon any Property for purpose of inspection, observation, sampling, maintenance, and repair of an on-lot sewage disposal system in accordance with the provisions of this Ordinance and Act 537.

B. Prior to entry on a property by an Authorized Agent, the occupant of a property may be given advance notice of the intent to enter upon the property for inspection or other activity. The purpose of such advance notice is to enable the occupant to be personally present or represented by an agent at the time of such entry. If any adult occupant is personally present on the property at the time a request to enter is made by an Authorized Agent, any advance notice may be waived by the occupant if the purpose of the entry is inspection or sampling. Advance notice shall be given at least twenty-four hours prior to entry, unless waived, and shall be by telephone, ordinary U.S. mail, or by notice posted on the entrance to the residence or other place where it is likely to be seen by the occupant. In the event that the property appears to the Authorized Agent to be vacant, notice shall be given to the Owner. If mail notice is given to an occupant or owner under any of these circumstances, it shall be given by ordinary U.S. mail to the last known address of the person to whom addressed at least seven days prior to intended entry. In any instance where an occupant's name and whereabouts are not known, then notice shall be given by posting on the Property. The last known address for any owner shall be that address which appears in the records of the Franklin County Assessment Office. This Paragraph B shall not be applicable, and no notice need be given before entry, where it can be observed from the public street that an on-lot sewage disposal system is malfunctioning or being operated improperly.

C. Failure to give due notice as provided herein shall not give rise to any cause of action against the Township for trespass, invasion of privacy or any other damages whatsoever. The Township shall be responsible, however, to the occupant or owner as the case may be, for any physical damage caused to the Property by such entry.

SECTION 10. CHANGES OF OWNERSHIP

A. In the event of a sale of a property, a landowner shall cause the system to be inspected, at the landowner's sole expense.

1. At least five (5) business days prior to the intended change in occupancy, the landowner, or the landowner's authorized agent, shall present the Township with a certified inspection report from a PSMA-certified inspector.

2. If the system is found to be malfunctioning, remedial measures shall be taken to correct

the problem including, but not limited to, maintenance and rehabilitation of the system and obtaining the necessary permit.

3. The written, certified inspection report shall be furnished to the prospective purchaser and to the Board.

4. If the report is satisfactory, the submission of a subsequent report that may otherwise be required under this subsection shall be waived if the satisfactory report is less than one (1) year old.

B. Where the inspection report indicates conditions which are not in conformity with this Ordinance or Act 537, conditional use of the system may be granted for a limited period not exceeding 6 months wherein the owner agrees to complete the required remedial measures to the satisfaction of the Township.

SECTION 11. DISPOSAL OF SEWAGE AND SEWAGE SLUDGE AND REGISTRATION OF SEWAGE AND SEWAGE SLUDGE HAULERS

A. All sewage and sewage sludge disposed of within the Township shall be disposed of at sites or facilities approved by the Pennsylvania Department of Environmental Protection and operated in accordance with Commonwealth of Pennsylvania regulations.

B. The Township may provide for the pumping out of any on-lot sewage disposal system within the Township, either by its own operators and equipment or by contract with one or more approved haulers. In the event the Township undertakes to operate or contract for a pumping out of on-lot sewage disposal systems, all persons shall either contract with the Township for regular pumping out or contract with a hauler approved by the Township and shall not undertake pump-out in any other manner.

C. In the event the Township provides for disposal of sewage or sewage sludge at a site or facility owned and operated by it, acceptance of sewage or sewage sludge not collected within the Sewage Management District or the Township may be restricted, and if such restriction exists the hauler must certify to the disposal site or facility operator upon delivery of the sewage or sewage sludge that the entire contents of the truck comes from sources within the Township, failing which, the entire truck load may be refused.

D. It shall be a violation of this Ordinance for any person unauthorized by the Board to collect or transport sewage or sewage sludge within the Township. Any and each such collection is a violation hereof from one or more locations within the Township shall constitute a separate and distinct offense punishable as hereinafter provided.

E. Applicants for Hauler's Registration must furnish the following information on the applicable form to be prescribed and provided therefore by the Board:

1. The name, address, and telephone number of the hauler making application.
2. The vehicle registration number, state of registration, and the make, model and size of each vehicle to be used for collection and hauling.
3. A certificate of the applicant's insurance coverage certifying the maintenance by the

applicant of complete third-party comprehensive and liability insurance covering bodily injury and property damage, the limits of which shall be not less than \$500,000 for bodily injury and \$250,000 for property damage if separate limits are applicable. If the policy provides for combined limits, then the minimum combined coverage for property damage and bodily injury shall be \$750,000.

4. A certificate of the applicant's Workman's Compensation Insurance, if available under the laws of the Commonwealth of Pennsylvania.

5. Any and all additional information which the Township may request and deem necessary prior to registration.

F. The Board may deny Hauler's Registration for any of the following reasons:

1. If the applicant has previously had Hauler's Registration revoked or suspended in this Township or elsewhere.

2. If the applicant has violated, or is violating any ordinance of the Township, the Solid Waste Management Act, the Pennsylvania Sewage Facilities Act or any regulations of the Pennsylvania Department of Environmental Protection relating to the environment, solid waste, or sewage facilities, or has been convicted of any such violation.

3. If the applicant has any uncollected judgments filed against him resulting in lawsuits filed against him by a customer.

G. Hauler's Registrations shall be issued on a calendar year basis, but may be revoked at any time by the Township in accordance with the following:

1. Failure of the registrant to furnish and provide collection and transportation of sewage or sewage sludge in accordance with the terms of this Ordinance and the conditions under which the registration was issued.

2. Failure to provide reports in a timely fashion, i.e., within five (5) business days after the end of each month.

3. Failure to maintain proper liability insurance and/or Worker's Compensation insurance, as required by this Ordinance.

4. Appeals -Any action by the Township regarding the revocation of a Hauler's registration may be appealed by the aggrieved party through the administrative appeal process detailed in Section 12.

5. Issuance of Hauler's Registration under this Section does not grant a vested right to any collector to a continued right to haul or collect sewage or sewage sludge in the Township.

H. Conditions relating to Hauler's Registrations:

1. Number of Vehicles: Persons receiving Hauler's Registration shall not use more vehicles for the collection and hauling of sewage or sewage sludge within the Township than the number of vehicles listed on the application and approved on the registration issued. A registration applies only to the vehicles listed thereon. The bumper stickers issued with a registration must be affixed only to those vehicles listed on the registration, and may not be transferred to any other vehicle not listed on the registration. Any change in the listed vehicles as reported in the application for registration must be reported to the Township at least five (5) days prior to the date such a change will take place except in an emergency, provided the Township is promptly notified thereof. The permanent replacement of one collection vehicle with a different one shall require modification of the registration and issuance of a new bumper sticker. The use of a temporary replacement vehicle by reason of the withdrawal of a vehicle from service for scheduled or unscheduled maintenance shall not require modification of the registration but shall be reported to the Township immediately by the collector.

2. The registrant shall be responsible for maintaining such vehicle used for collection in the Township and be kept in good operating condition to assure that the schedule of collections can be maintained. The vehicles must be kept clean and painted so as to present a favorable appearance. The Township shall have the right to inspect all vehicles prior to the issuance of a registration and during the period the registration is in effect.

I. Manifesting Requirements:

1. Before collecting or transporting sewage or sewage sludge, a hauler shall print his/her name, sign and date a four part manifest and by the signature, acknowledge acceptance of the sewage waste from the generator.

2. Before leaving the generator's property, the hauler shall ensure that all copies of the manifest are properly completed and capable of being read and shall return copy 4 of the manifest to the generator.

3. The hauler shall ensure that the manifest encompasses the sewage or sewage sludge shipment.

4. The hauler who delivers the sewage or sewage sludge to the processing or disposal facility or site shall:

- a. Obtain on the manifest the date of delivery, the printed or typed name, and hand written signature of the owner or operator of the designated facility on site.
- b. Send copy 1 of the manifest to the SEO within five (5) business days of the end of each month.
- c. Send copy 2 of the manifest to the TOWNSHIP within five (5) business days of the end of each month.
- d. Retain copy 3 of the manifest.
- e. Provide copy 4 of the manifest to the generator within seven (7) days of the date of

receipt of the sewage or sewage sludge.

SECTION 12. SERVICE CHARGES; LIENS

The fees for any application, inspection, review, or other matters undertaken by the Township or authorized agents under this Ordinance shall be sufficient to cover the fair and reasonable expenses of those activities and shall be such as are prescribed by Township Resolution, from time to time. These fees include, but are not limited to the following:

- A. Pumping out of retaining tanks or septic tanks shall be charged as established from time to time by contracted haulers.
- B. The Township shall have authority to contract with any private person, partnership, corporation, or any public agency to undertake any activity necessary to fulfill the requirements of this Ordinance.
- C. The established fee for processing an application to permit construction or repair of an on-lot sewage disposal system shall be payable to the Township, or its authorized agent, upon the issuance of the permit.
- D. All other charges incurred by or on behalf of the Township and all charges for inspection, re-inspection, or other matters undertaken by the Township under this Ordinance shall be billed to the owner(s) of a property and be payable within 15 days. Thereafter, a late payment penalty of 1 % per month for each month in which the payment is not made will be assessed.
- E. Outstanding delinquent charges shall constitute an assessment and lien against the Property and may be filed as a municipal claim with the Court of Common Pleas of Franklin County.

SECTION 13. ADMINISTRATION.

The Board shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance. The Board may establish a fee schedule, and subsequently collect fees, to cover the costs to the Township of administering this program.

SECTION 14. APPEALS.

- A. Appeals from decisions made under this Ordinance shall be made to the Board by any aggrieved party in writing within thirty (30) days from the date of the decision.
- B. An appellant shall be entitled to an administrative hearing before the Board at its next regularly scheduled meeting if made at least fourteen (14) days prior to the meeting, or at the next subsequent meeting. The Board may thereafter reverse, modify, or affirm the decision and the hearing may be postponed for good cause shown by the appellant or the Township. Additional evidence may be introduced at a hearing provided it is submitted with the written notice of appeal. A party may be represented by another person empowered to act on appellant's behalf. No transcript of the hearing shall be necessary.
- C. The Board shall render a decision within thirty (30) days thereof. If no decision is rendered

within such time, the relief sought by appellant shall be deemed granted.

SECTION 15. PENALTIES.

A. Criminal Penalties

1. This Ordinance shall be enforced by an 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. The Township Solicitor may assume charge of prosecution without the consent of the District Attorney as required under Pa. R. Crim. P. No. 83(c) (Relating to Trial in Summary Cases), as amended from time to time. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of up to \$1,000 or imprisonment for a period not to exceed 90 days.

2. Each day of a continuing violation shall be considered a new and additional violation of this article. In addition, a violation of each section of this article shall constitute a separate offense.

B. Civil Penalties

1. In addition to any criminal enforcement, the Township may enforce this Ordinance civilly by sending a written notice to the landowner stating the nature of the violation and the penalties prescribed in Subsection B, and providing a reasonable time limit for the satisfactory correction thereof. The landowner shall within the period of time stated in such notice permanently cease such violation or violations.

2. Any person who shall violate any provision of this Ordinance and who shall continue any violation beyond the time limit provided for in notice of violation shall, upon conviction thereof, be subject to a penalty not to exceed six hundred dollars (\$600.00) for each day a violation continues un-remedied after notice of violation shall have been given.

3. It shall not be a defense for any penalty herein imposed that written notice of the violation and correction period has not been actually received by a person alleged to be in violation of this Ordinance if the same is:

- a. mailed by ordinary U.S. mail to the last known address of the person as ascertained by the Franklin County Assessment Office, the Fannett Township Tax Collector or
- b. posted on the Property.

Notice to one of multiple owners shall be deemed notice to all.

SECTION 16. SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any provisions hereof shall be held to be unconstitutional, invalid or illegal by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or

illegal provisions not been included herein.

SECTION 17. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after enactment.

SECTION 18. REPEALER.

All existing ordinances, resolutions, or parts thereof, inconsistent herewith are hereby expressly repealed to the extent necessary to give this Ordinance full force and effect.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Fannett Township this 2nd day of May, 2013, in regular session by the

BOARD OF SUPERVISORS OF FANNETT TOWNSHIP

BY: [Signature] Chairman

William O'Donnell Supervisor

Donald P. Estlund Supervisor

ATTEST:

Georgia O'Donnell
Georgia O'Donnell (SEAL)
Secretary, Fannett Township Board of Supervisors

CERTIFICATION

As Secretary of the Fannett Township Board of Supervisors, the undersigned hereby certifies that the foregoing Ordinance was adopted by the Fannett Township Board of Supervisors at its regular meeting held on May 2, 2013, which meeting was called and at which a quorum was present and acting throughout, and that said Ordinance has not been revoked or amended.

Dated: May 2, 2013

Georgia O'Donnell
Secretary

RESOLUTION OF THE BOARD OF SUPERVISORS OF FANNETT TOWNSHIP

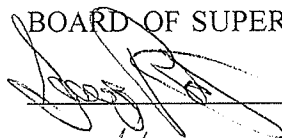
WHEREAS, Fannett Township has enacted Ordinance No. 1 of 2013, known as the On-Lot Sewage Disposal System Ordinance.

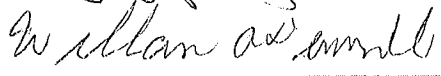
NOW, THEREFORE, BE IT RESOLVED, AND IT HEREBY IS RESOLVED, that the Board of Supervisors of Fannett Township, Franklin County, Pennsylvania, does establish the following septic hauler registration fee:

1. A hauler registration fee of seven (7) dollars per septic tank pumped shall be due and payable by the hauler to Fannett Township when the hauler files his or her report of septic tank pumping(s).
2. The hauler registration fee shall be payable no less frequently than monthly.
3. The hauler registration fee may be changed from time to time by further resolution of the Fannett Township Board of Supervisors.

IN WITNESS WHEREOF, we have hereunto affixed our hands and seal this 2nd day of May, 2013

BOARD OF SUPERVISORS OF FANNETT TOWNSHIP

 Chairman

 Supervisor

 Supervisor