

**TOWNSHIP OF WARWICK**

Lancaster County, Pennsylvania

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**ORDINANCE NO. 220**

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AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF WARWICK, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, PART 3, ON-LOT SEWAGE DISPOSAL SYSTEMS, TO REVISE AND RESTATE REGULATIONS GOVERNING ON-LOT AND COMMUNITY SEWAGE DISPOSAL SYSTEMS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Warwick, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Township of Warwick, Chapter 18, Sewers and Sewage Disposal, Part 3, On-Lot Sewage Disposal Systems, shall be deleted in its entirety and a new Part 3, On-Lot and Community Sewage Disposal Systems, shall be inserted which shall provide as follows:

**Part 3**  
**On-Lot and Community Sewage Disposal Systems**

**§301. TITLE.**

This Part shall be known and may be cited as the “Warwick Township On-Lot and Community Sewage System Ordinance”.

**§302. LEGISLATIVE INTENT.**

The Board of Supervisors recognizes that individual on-lot sewage disposal systems constitute a valid and approved manner of conserving the quality of the water and other natural resources of the Township through proper treatment of wastes generated by development within the Township. The use of individual on-lot sewage systems must be regulated in accordance with the regulations promulgated by the Department of Environmental Protection which pertain to the location and permitted types of on-lot sewage disposal systems. In addition, the Township has determined that should the on-lot sewage system disposal system installed by a landowner fail, the water quality and other natural resources of the Township may be polluted. It is especially of concern to the Board that

such pollution may occur when a system fails and there is no suitable area on the lot for the installation of a replacement system. Therefore, in order to protect the water quality and other natural resources of the Township, thereby protecting the health and welfare of residents and visitors, the Board desires to require that all landowners provide and set aside areas for the installation of replacement individual on-lot sewage disposal systems.

It is the further intent of the Board to insure that on-lot sewage disposal systems are properly maintained. Failure to maintain on-lot sewage disposal systems results in malfunctions which in turn results in the pollution of the water quality and other natural resources of the Township. On-lot sewage disposal systems should be pumped out on a regular basis, and it is the responsibility of all landowners to insure such maintenance is performed.

The Board also desires to provide for the proper maintenance of the community systems which may be installed in the Township in the future. Proper maintenance of community sewage systems is essential to preserve and protect the health and welfare of Township residents and to preserve and protect the environment.

### **§303. ADOPTION OF STANDARDS BY REFERENCE.**

A certain document, three (3) copies of which have been and are presently on file in the office of the Secretary of the Township of Warwick, being marked and designated as Chapters 71, 72, and 73 of Title 25 of the Pennsylvania Code, being promulgated by the Department of Environmental Protection of the Commonwealth of Pennsylvania, be and are hereby adopted as the sewage permit application and installation procedure of the Township and each and all of the regulations contained in the said Chapters are hereby adopted by the Township except as modified by this Part. It is the intent of the Board to adopt all subsequent amendments and revisions to the said Chapters as permitted by law and in accordance with the provisions of 1 Pa. C.S. §1937(a). If such an intent is found invalid by a court of competent jurisdiction, it is the intent of the Board to adopt the said Chapters as they existed on the effective date of this Part.

### **§304. WORD USAGE AND DEFINITIONS.**

1. Word Usage. In the interpretation of this Part, the singular shall include the plural, and the masculine shall include the feminine and the neuter.
2. Definitions. All words and phrases not otherwise defined herein shall have the meaning provided in Section 2 of the Act, 35 P.S. §750.2, Section 71.1 of the Department's Regulations, 25 Pa. Code §71.1, or Section 73.1 of the Department's Regulations, 25 Pa. Code §73.1, or the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

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.

BOARD - The Board of Supervisors of the Township.

COMMUNITY SEWAGE SYSTEM - Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site and which shall comply with all applicable regulations of the Department. Notwithstanding the foregoing, the sewage collection, transmission and treatment systems of WTMA shall not be considered community sewage systems for the purposes of this Part.

DEPARTMENT - The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

DEVELOPER - Any person who files a planning module for land development with the Township; or who files an application for approval of a subdivision or land development plan proposing the subdivision or development of land within the Township; or who makes application for a permit; or who makes an application for a zoning permit under the Township Zoning Ordinance; or who installs, repairs, modifies, or alters an OLDS or community sewage system serving properties within this Township other than a governmental entity.

INDIVIDUAL ON-LOT SEWAGE DISPOSAL SYSTEM (OLDS) - Any system of piping, tanks, or other facilities serving on a single lot and collecting and disposing of sewage in whole or in part into the soil and any waters of the Commonwealth of Pennsylvania and which is located upon the lot which it serves. The term also includes an OLDS which meets the definition of non-standard system.

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

LOT - A parcel of land used or intended to be used as a building site or a separate parcel to be created as a result of approval of a subdivision or land development application or a condominium unit. The term lot shall include parcels equal to or greater than ten (10) acres in size where the lot may be occupied by one or more persons or families.

MALFUNCTION - The condition which occurs when an OLDS or community sewage disposal 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 OLDS or community sewage disposal system or otherwise causes a nuisance hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. An OLDS or community sewage disposal system shall be considered to be malfunctioning if any of the conditions set forth in this paragraph occur for any length of time during any period of the year.

MANIFEST - A written report made to the Township by a septage hauler providing service to an OLDS within the Township which at a minimum contains the name and address of the septage hauler, the name of the property owner, the address of the property upon which the

OLDS is located, a description of all services performed by the septage hauler, the location at which any sewage or solids removed from the OLDS will be disposed, a description of the condition of the OLDS, a statement noting whether any malfunctions of the OLDS were observed, and a statement noting all maintenance or repairs to the OLDS performed.

NON-STANDARD SYSTEM - An OLDS which has any equipment which is not commonly found on OLDS within Lancaster County or an OLDS which has been modified to address groundwater contamination or other environmental issues or any OLDS which requires additional approvals from the Department or a modification or amendment to the Township's Official Plan.

OFFICIAL PLAN - A comprehensive plan for the provision of adequate sewage disposal systems adopted by the Township and approved by the Department in accordance with the Act and with applicable Department regulations.

OLDS - An individual on-lot sewage disposal system.

PERMIT - A permit issued by the Sewage Enforcement Officer after the performance of tests to determine suitability to authorize the initial installation of an OLDS or the repair, replacement or enlargement of an existing OLDS.

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

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

PLANNING COMMISSION - The Township Planning Commission.

REPLACEMENT LOCATION - A location designated as the future location of an OLDS that shall be installed should the OLDS installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the Department and all applicable Township ordinances for an OLDS.

SEPTAGE HAULER - Any person licensed by the Department or other governmental agency to remove septage or other solids from treatment tanks of OLDS or community sewage disposal systems, holding tanks, privies, aerobic tanks, cesspools, or any other sewage disposal facility within the Township.

SEWAGE - Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health or to animals or aquatic life or to the use of water for domestic water supply or for recreation or which constitutes pollution under The Clean Streams Law.

SEWAGE ENFORCEMENT OFFICER - The Sewage Enforcement Officer of the Township.

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

SUBDIVISION - A subdivision as defined by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 52 P.S. §10101 et seq.

THE CLEAN STREAMS LAW - Act of June 22, 1937, P.L. 1987, No. 394, as amended, 35 P.S. §691.1 et seq.

TOWNSHIP - The Township of Warwick, Lancaster County, Pennsylvania.

WTMA - Warwick Township Municipal Authority.

### **§305. PROCEDURE FOR REVIEW OF PLANNING MODULES FOR LAND DEVELOPMENT AND SUBDIVISION/LAND DEVELOPMENT PLANS.**

In order to insure compliance with the Official Plan, all developers who request approval of planning modules for land development or who request the review of subdivision plans, and land development plans providing for sewage disposal proposing sewage disposal by means of OLDS or community sewage systems shall submit the following information to the Township for review in accordance with the following requirements:

1. The developer shall submit the information required by this §305 to the Township with the planning module for land development or with the preliminary subdivision or land development plan, whichever the developer first submits to the Township.
2. It is the responsibility of the developer to submit the information to all other reviewing agencies, including but not limited to the Lancaster County Planning Commission, in accordance with the Department's regulations. It is the responsibility of the developer to pay for the publication of any legal advertisement which may be required by the Department's regulations. Failure of the developer to pay the costs of legal advertisement within fifteen (15) days after receipt of a copy of the newspaper's invoice shall render the submission incomplete.
3. The developer shall submit a written report detailing the planning and decision making steps

used in the selection of the method of sewage disposal.

**§306. SEWAGE TESTING REQUIRED FOR ALL PROPOSED LOTS.**

1. After November 19, 1997, no requests for approvals of planning modules for land development and no revisions or supplements to the Official Plan shall be granted unless the applicant presents to the Board evidence that each lot or lot to be created contains a suitable location for the installation of an initial OLDS except when such lots or lots to be created are to be served by a community sewage system. All tests required by the Department and this Part for the location of an OLDS to confirm the suitability of the location shall be performed as approved by the Department.
2. Well test results submitted with planning modules will be compared with the Official Plan well test data. If the results vary from the Official Plan well test data, the Township may require additional testing to verify any discrepancies.

**§307. REPLACEMENT LOCATION FOR ON-LOT SEWAGE DISPOSAL SYSTEMS REQUIRED.**

After November 19, 1997, a Replacement Location for an OLDS shall be required for all lots or lots to be created which are not serviced or to be serviced by the sewer system operated by WTMA or for which a valid permit for an OLDS has not been issued. The Replacement Location shall comply with the Act and with all regulations issued by the Department as incorporated into this Part concerning OLDS, including isolation distances, and with the terms of this Part and any other applicable Township ordinances.

**§308. IDENTIFICATION OF REPLACEMENT LOCATION.**

1. Each person who shall apply for a permit under the Township Zoning Ordinance or for a permit for an OLDS (other than a permit for a repair to or modification of an existing OLDS) or who shall request approval of a planning module for land development or the adoption of a revision or supplement to the Official Plan or who shall file an application for subdivision or land development approval which proposes sewage disposal by means of OLDS shall demonstrate to the satisfaction of the Sewage Enforcement Officer that a suitable area exists on the lot or on each lot to be created for an initial OLDS and for the Replacement Location. All tests required by the Department and this Part for the location of an OLDS to confirm the suitability of the Replacement Location shall be performed as approved by the Department. Allowance of open land for the Replacement Location without testing performed or observed by the Sewage Enforcement Officer shall not constitute compliance with the requirements of this Section.
2. The developer shall identify the location of the initial OLDS and the Replacement Location as confirmed by the Sewage Enforcement Officer on the plot plans and diagrams submitted as a part of the subdivision or land development plan and as part of the permit application.

3. If the application has been submitted as a part of an application for approval or review of a planning module for land development, the developer shall identify the location of each OLDS and each Replacement Location upon the plans. If the application is for subdivision or land development approval, the developer shall include a note on the plans stating that no improvements shall be constructed upon the Replacement Location, and the deed to each lot created as a part of the subdivision or land development shall contain language reflecting this limitation.
4. Any revisions to a permit affecting a Replacement Location which previously has been issued pursuant to the provisions of this Part shall be approved by the Board or its authorized representative. Any revisions to a subdivision or land development plan affecting a Replacement Location which has been previously approved pursuant to the provisions of this Part shall be approved by the entity with power to approve subdivision and land development plans in the Township.

**§309. CONSTRUCTION OF IMPROVEMENTS UPON REPLACEMENT LOCATION PROHIBITED.**

No person shall construct or install any permanent or temporary improvements of any character other than the planting of trees, shrubs, or other plant matter upon the Replacement Location unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the Sewage Enforcement Officer that an alternate Replacement Location which complies with all applicable regulations of the Department, this Part and all other applicable Township ordinances exists upon the lot. If such an alternate Replacement Location shall be identified, the alternate Replacement Location may be considered to be the Replacement Location required by this Part and shall be designated as the Replacement Location. The newly designated Replacement Location shall thereafter be considered the Replacement Location for the purposes of this Part.

**§310. RELIEF FROM REQUIREMENT OF DESIGNATION OF REPLACEMENT LOCATION.**

If any lot held in single and separate ownership as November 19, 1997, shall not contain land suitable for a Replacement Location, the applicant for a permit under the Township Zoning Ordinance or an installation permit for an OLDS may request that the Board of Supervisors grant an exception to the requirement of providing a Replacement Location. Applicants for relief under this Section shall submit a written application setting forth the information required by this Section and shall include the application fee established by resolution or ordinance of the Board of Supervisors. The applicant for such an exception shall present credible evidence to the Board demonstrating (i) that the lot was held in single and separate ownership on November 19, 1997; (ii) the size of the lot; (iii) inability of the applicant to acquire adjacent land or the unsuitability of adjacent land which might be able to be acquired; and (iv) the testing conducted to determine that the lot is not suitable to provide a Replacement Location. At all times the burden to present credible evidence and the burden of persuasion shall be upon the applicant for an exception from the terms of this Part.

### **§311. PERMIT REQUIRED FOR ALL LOTS.**

The landowner and any contractor performing work upon an OLDS shall obtain a permit from the Sewage Enforcement Officer in accordance with the Act, the regulations of the Department, and this Part prior to the installation, alteration, modification, repair or replacement of any OLDS. This requirement shall apply to all lots within the Township regardless of the size of the lot and regardless of the familial relationship of the person seeking to install the OLDS to the property owner. The Sewage Enforcement Officer shall not issue a permit for an OLDS until a suitable Replacement Location has been established or until the applicant presents the Sewage Enforcement Officer with a written determination by the Board granting relief from the designation of a Replacement Location in accordance with §310 of this Part or unless such permit is requested to repair a malfunction of an existing OLDS.

### **§312. PLANNING POLICIES AND METHODOLOGY.**

All developers within the Township shall design sewage disposal systems in accordance with the planning policies and methodology set forth in this Section. The developer shall include a narrative with any planning submission which shall demonstrate the procedure used by the developer in determining the sewage disposal facilities proposed for the development. If the developer is not required to submit a planning submission, the developer shall present information sufficient to demonstrate compliance with this Section with his or her application to the Sewage Enforcement Officer for a permit to install, repair, alter or modify an OLDS.

1. The Township encourages use of OLDS wherever feasible and economical outside of the present and future public sewer service area as defined by the Official Plan of the Township. Developers shall use outside of the public sewer service area planning policies which foster the non-sewer approach and the conservation of groundwater resources. At a minimum, the developer shall address the following Township policies:
  - A. Establish OLDS and community sewage disposal system ownership and maintenance responsibilities with the individual lot owner, a homeowners' association, condominium unit owners' association or the developer.
  - B. Provide water conservation and waste flow reduction by the use of water-saving devices and other state of the art water conservation methods for all new construction and the replacement of any components of existing structures.
  - C. Recycle wastewater by relying upon OLDS for groundwater recharge via subsurface disposal of treated wastewater.
  - D. Restrict subsurface community sewage disposal systems to resolution of sewage related problems of existing structures.
2. The methodology for selecting and evaluating specific OLDS shall be a progressive multi-step

process. The developer may consider and evaluate a community sewage system outside of the public sewered areas established by the Official Plan only when individual OLDS are not feasible.

A. Evaluate individual OLDS. The approved individual wastewater treatment systems within the Township are septic tanks, aerobic treatment units, spray irrigation systems and, if no other method is feasible, individual stream discharge systems. These treatment methods may be used with the various effluent treatment and disposal methods outlined below:

- (1) Conventional subsurface absorption system. If a site is suitable in accordance with Department regulations for conventional sewage disposal systems such as a septic or aerobic tank with an absorption area (standard trench, seepage bed, subsurface sand filter or elevated sand mounds), the appropriate combination of wastewater treatment and effluent disposal system shall be selected as the most cost-effective OLDS.
- (2) Conventional spray irrigation or stream discharge system. If a site is suitable in accordance with Department regulations for a conventional spray irrigation or individual stream discharge system, and if the site is not suitable for a conventional subsurface absorption system, the appropriate combination of wastewater treatment and effluent disposal system shall be selected.
- (3) Alternate systems. The developer shall evaluate alternate systems if there are inadequate soils or other concerns on the site that prevent the use of conventional septic systems. These systems shall use technology that has been proven successful. The design of the alternate system shall be approved in accordance with the regulations of the Department and the Act.
- (4) Experimental systems. The Township does not encourage experimental systems. A developer may propose the use of an experimental system only in areas where other alternatives are not available. The developer shall submit all documentation required for approval of the experimental system in accordance with the regulations of the Department and the Act. Testing, monitoring and permitting of these systems shall comply with the requirements of the Department.

B. Replacement Location. The developer shall provide a replacement location for each OLDS set forth above unless such OLDS is being installed to address an existing malfunction and no replacement location is available or unless the developer obtains a waiver from the requirement to provide a replacement location in accordance with the provisions of this Part.

C. Examine combined individual and community systems. As a remedial action, a

developer may propose the linking of existing, malfunctioning OLDS to a new development to solve the malfunctioning condition.

- D. Examine community sewage systems. The developer may evaluate community sewage systems only if it is not feasible to provide for sewage disposal through OLDS. The developer shall provide on-site or off-site wastewater treatment. The developer shall review each collection alternative and shall select an effluent disposal method from the various alternatives.
3. The developer shall evaluate the construction cost, operation and maintenance costs, and environmental impacts of each method of sewage disposal and shall choose the most appropriate for maintenance of water quality. The developer shall present the evaluation to the Township as part of its planning submission.

### **§313. PERMIT REQUIREMENTS AND PROCEDURES.**

All landowners, developers and contractors who desire to install, repair, modify or alter an OLDS in the Township shall obtain a permit from the Sewage Enforcement Officer prior to the commencement of such work. All landowners, developers and contractors who desire to repair, modify, alter or replace any OLDS or component of an OLDS which is or may be malfunctioning shall obtain a permit from the Sewage Enforcement Officer prior to commencement of any work. All work performed under any permit shall comply with the following regulations:

1. The holder of a permit and the contractor performing work under such permit shall notify the Sewage Enforcement Officer at least three working days before commencing installation, repair, modification or alteration of the OLDS in order that one or more inspections in addition to the final inspection required by the Department may be scheduled and performed by the Sewage Enforcement Officer.
2. Any OLDS permit providing for the installation or repair of a septic tank shall require that the septic tank contain septic solid retainers of the type as specified by the Department's regulations. This is to obtain the highest quality effluent.
3. If construction or installation of the OLDS and of any building or structure for which such OLDS is to be installed has not commenced within three years after the issuance of the permit for such OLDS, the permit shall expire. The landowner and/or contractor shall obtain a new permit prior to commencement of the installation, repair, modification, replacement or alteration of the OLDS.
4. The holder of the permit and the contractor performing work under a permit to repair, modify, alter or replace an OLDS which is malfunctioning or which may be malfunctioning shall notify the Sewage Enforcement Officer within 24 hours after completion of the work. The Sewage Enforcement Officer shall inspect the repaired, modified, altered or rehabilitated OLDS to insure compliance with the Regulations and this Part.

### **§314. REQUEST FOR PERMIT EXEMPTION DECLARATION.**

Any person desiring to perform soil fracturing or use of the terra lift procedure on any portion of an OLDS shall provide written notification to the Sewage Enforcement Officer at least 48 hours prior to commencement of such work. The Sewage Enforcement Officer shall review the information submitted to determine whether the proposed work is maintenance and exempt from permit requirements or is a repair, alteration, or modification which requires a permit pursuant to §313 of this Part. The Sewage Enforcement Officer shall notify the applicant within such 48-hour period if the applicant must obtain a permit.

### **§315. PERMIT REQUIREMENTS FOR NON-STANDARD OLDS.**

All landowners, developers and contractors who desire to install a non-standard OLDS, in addition to all requirements of §§311, 312 and 313 this Part, shall also meet all of the following requirements:

1. The record owner of the lot on which such non-standard OLDS is to be installed and, if different, the applicant, shall enter into an agreement with the Township, in recordable form, providing for the long-term maintenance of the system which grants the Township the right to enter upon the property; to inspect such system not less than once each year and, in addition, whenever the Township receives a complaint or otherwise has reason to believe that such system is not functioning properly; to maintain such system if the landowner fails to do so; and to recover the cost of any maintenance performed plus a penalty from the landowner. The agreement shall specifically authorize the Township to file a municipal claim against the property to recover costs and fees and shall specifically state that its provisions are binding upon the landowner executing the agreement and upon all successive owners of the property until the system is removed and the property is connected to the WTMA sewer system.
2. The applicant shall post financial security with the Township to secure the future maintenance of the non-standard OLDS and payment of costs of annual inspection of such system. The amount of the financial security shall be based upon the estimated cost to maintain the particular non-standard system chosen by the applicant. The financial security shall be posted through an irrevocable letter of credit in a form acceptable to the Township Solicitor or in a cash escrow which the Township shall maintain in a non-interest bearing account. The Township shall not release such financial security until the Township is provided with alternate financial security or until the system is removed and the property is connected to the WTMA sewer system.
3. The applicant shall demonstrate to the Township that the proposed non-standard OLDS meets all applicable Department regulations and that the applicant has obtained all necessary approvals and permits.
4. The applicant shall provide the Township with a complete set of as-built plans for the non-standard OLDS after its installation.

5. The applicant shall reimburse the Township for all costs incurred in the preparation of the agreement and its recording.
6. The applicant shall pay all costs associated with the yearly inspection of the non-standard OLDS.
7. The Township Manager shall have the power to waive the requirement to enter into an agreement with the Township in recordable form pursuant to §315.1 or to post financial security with the Township pursuant to §315.2. An applicant who requests such a waiver shall demonstrate to the Township Manager that the interests required by the Township are adequately protected without the recording of an agreement or posting of financial security.

### **§316. PERMIT REQUIREMENTS FOR COMMUNITY SEWAGE SYSTEMS.**

All landowners, developers and contractors who desire to install a community sewage system shall meet all of the following requirements:

1. The record owner of the lot on which the community sewage system is to be installed and, if different, the applicant, shall enter into an agreement with the Township, in recordable form, providing for the long-term maintenance of the community sewage system which grants the Township the right to enter upon the property; to inspect such community sewage system not less than once each year and, in addition, whenever the Township receives a complaint or otherwise has reason to believe that such community sewage system is not functioning properly; to maintain such community sewage system if the owner fails to do so; and to recover the cost of any maintenance performed plus a penalty from the owner. The agreement shall specifically authorize the Township to file a municipal claim against the property served by the community sewage system to recover costs and fees and shall specifically state that its provisions are binding upon the landowner executing the agreement and upon all successive owners of the property and any lots which are served by the community sewage system until the community sewage system is removed and the property is connected to the WTMA sewer system or until WTMA assumes ownership and maintenance responsibility for the community sewage system.
2. The applicant shall post financial security with the Township to secure the future maintenance of the community sewage system and payment of costs of annual inspection of such system. The amount of the financial security shall be based upon the estimated cost to maintain the particular community sewage system chosen by the applicant for a period of three years and shall not be less than \$5,000.00. The financial security shall be posted through an irrevocable letter of credit in a form acceptable to the Township Solicitor or in a cash escrow which the Township shall maintain in a non-interest bearing account. The Township shall not release such financial security until the Township is provided with alternate financial security or until the community sewage system is removed and the property is connected to the WTMA sewer system or until WTMA assumes ownership and maintenance responsibility for the community sewage system.

3. The applicant shall demonstrate to the Township that the proposed community sewage system meets all applicable Department regulations and that the applicant has obtained all necessary approvals and permits.
4. The applicant shall provide the Township with a complete set of as-built plans for the community sewage system after its installation.
5. The applicant shall reimburse the Township for all costs incurred in the preparation of the agreement and its recording.
6. The applicant shall pay all costs associated with the yearly inspection of the community sewage system.

**§317. PROPER OPERATION AND MAINTENANCE OF OLDS REQUIRED.**

All persons who own a lot upon which an OLDS is installed and all persons who occupy a lot on which an OLDS is installed shall properly use and maintain such OLDS. Proper maintenance of an OLDS shall include, at a minimum:

1. Retention of a septage hauler to remove septage from the tank of the OLDS at least once during each period of three (3) calendar years or whenever an inspection reveals that the treatment tank is filled with solids in excess of one-third the liquid depth of the tank or with scum in excess of one-third the liquid depth of the tank, whichever shall require the more frequent removal. It is the responsibility of the property owner to insure that septage is removed from the tank of the OLDS in accordance with the requirements of this Section. No person other than a septage hauler shall be permitted to remove septage from the tank of an OLDS or to otherwise dispose of any septage or any other substance within an OLDS.
  - A. After the effective date of this Part, the Township shall be divided into three sections. All property owners shall be notified by the Township of the section to which the property is assigned.
  - B. Any OLDS installed upon a property which is located within Section 1 shall have septage removed from the tank of the OLDS within twelve (12) months from the effective date of this Part. Notwithstanding the foregoing, if a property owner can provide proof to the Township that such OLDS had septage removed from its tank within the twenty-four (24) month period preceding the effective date of this Part, the OLDS will not have to have septage removed within twelve months from the effective date of this Part, and the date of the removal of the septage shall be considered the date of initial maintenance for the purpose of §317.1.E herein.
  - C. Any OLDS installed upon a property which is located within Section 2 shall have septage removed from the tank of the OLDS within twenty-four (24) months from the effective date of this Part. Notwithstanding the foregoing, if a property owner can

provide proof to the Township that such OLDS had septage removed from its tank within the twelve (12) month period preceding the effective date of this Part, the OLDS will not have to have septage removed within twenty-four (24) months from the effective date of this Part, and the date of the removal of the septage shall be considered the date of initial maintenance for the purpose of §317.1.E herein.

- D. Any OLDS installed upon a property which is located within Section 3 shall have septage removed from the tank of the OLDS within thirty-six (36) months from the effective date of this Part.
  - E. The date upon which any OLDS has septage removed in accordance with Section 317.1.B through D herein shall be considered the date of initial maintenance. All OLDS shall have septage removed in accordance with this Section within three (3) years from the date of initial maintenance. The OLDS shall continue to have septage removed from the tank within three (3) years from the date of the last removal of the septage as long as the OLDS continues to be used for sewage disposal.
  - F. For OLDS installed after the effective date of this Part, the OLDS must have septage removed within three (3) years from the date of final inspection of the OLDS or, in the case of new construction, if the property will not be occupied within one month from the date of final inspection of the OLDS, within three (3) years from the date of the issuance of the certificate of use and occupancy by the Zoning Officer. The OLDS shall continue to have septage removed from the tank within three (3) years from the date of the last removal of the septage as long as the OLDS continues to be used for sewage disposal.
- 2. Maintenance of surface contouring and other measures consistent with the regulations of the Department to divert storm water away from the treatment facilities and absorption areas and to protect the absorption areas from physical damage.
  - 3. Following any operation and maintenance recommendations of the manufacturer of the OLDS. If the OLDS is a non-standard OLDS, additionally following the operation and maintenance recommendations of the manufacturer of the non-standard equipment which is part of the OLDS.
  - 4. Discharging only domestic sanitary sewage into an OLDS. The following types of waste shall not be discharged into an OLDS:
    - A. Industrial waste.
    - B. Automobile oil, other non-domestic oil, grease, nonbiodegradable soaps, detergents and/or inert materials such as coffee grounds.
    - C. Toxic or hazardous substances or chemicals including but not limited to pesticides,

disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.

- D. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps, and french drains.
- E. Vehicle wash water and other potentially contaminated or clean run off or storm water.
- F. Disposable products such as diapers, tampons, and similar materials.
- G. Beauty shop waste other than a single chair beauty shop in conjunction with a residential use.
- H. Abattoir or butcher shop waste.

**§318. PROPER OPERATION AND MAINTENANCE OF COMMUNITY SEWAGE SYSTEMS REQUIRED.**

All persons who own a lot which is served by a community sewage system shall properly use such community sewage system. The owner of the community sewage system shall properly maintain the community sewage system. Proper maintenance of a community sewage system shall include at a minimum:

1. Inspection of the community sewage system by the Township Sewage Enforcement Officer or by a sewage enforcement officer certified by the Department on a quarterly basis. If the inspection is performed by a sewage enforcement officer other than the Township Sewage Enforcement Officer, the property owner shall submit the inspection report prepared and signed by the sewage enforcement officer to the Township within one month after the date of inspection of the community sewage system. All laboratory analyses required to be submitted by the Department or the Department's regulations shall also be submitted simultaneously to the Township to be reviewed as appropriate by the Sewage Enforcement Officer or his designee.
2. Removal of septage or sludge in accordance with Department regulations and manufacturer specifications.
3. Maintenance of surface contouring and other measures consistent with the regulations of the Department to divert storm water away from the treatment facilities and absorption areas and to protect the absorption areas from physical damage.
4. Following any operation and maintenance recommendations of the manufacturer of the community sewage system.
5. Requiring that all users of the community sewage system discharge only domestic sanitary

sewage into the community sewage system. The owner of the community sewage system shall inform all users of the community sewage system that the types of waste described in §317.4 of this Part shall not be permitted to be discharged.

**§319. REPORTING OF MALFUNCTIONING OLDS OR COMMUNITY SEWAGE SYSTEM.**

Any person who owns a lot upon which an OLDS or community sewage system is installed, any person who occupies a lot upon which an OLDS or community sewage system is installed, any person who owns a community sewage system, and any septage hauler pumping out or otherwise maintaining an OLDS or community sewage system shall report any malfunctioning of such OLDS or community sewage system to the Township. Such report shall be made as soon as possible but in no case later than three (3) days after discovery of the malfunction.

**§320. REPORTS BY SEPTAGE HAULER REQUIRED.**

Each septage hauler who performs maintenance upon an OLDS within the Township, including but not limited to pumping out the OLDS, shall file a manifest with the Township for each OLDS serviced within the Township.

**§321. DUTIES OF SEWAGE ENFORCEMENT OFFICER.**

In addition to all other duties of the Sewage Enforcement Officer set forth in this Part, the Sewage Enforcement Officer shall have the power and duty to enforce the provisions of this Part and to investigate any reports of malfunctioning OLDS and community sewage system or evidence that an OLDS or community sewage system may be malfunctioning which the Sewage Enforcement Officer discovers. In performing these duties the Sewage Enforcement Officer shall have the following powers:

1. To conduct routine inspections of properties upon which OLDS or community sewage systems are installed as part of an administrative program to insure compliance with this Part. Any inspections shall be performed in accordance with all applicable statutes and constitutional provisions.
2. To make reports as requested by the Board regarding maintenance of OLDS and community sewage systems in the Township and to suggest actions which may be taken by the Board to insure proper maintenance.
3. To consult with the Township Engineer and the Township Solicitor, as authorized by the Board, to assist in the enforcement of this Part.

**§322. VIOLATIONS AND PENALTIES.**

1. It shall be a violation of this Part to commit or permit any other person to commit any of the

following acts:

- A. To install, repair, modify or alter an OLDS or a community sewage system prior to obtaining a permit or in a manner which violates the terms and conditions of any permit.
  - B. To misuse or fail to maintain an OLDS or a community sewage system.
  - C. To fail to report a malfunctioning OLDS or community sewage system.
  - D. To fail to remedy a malfunctioning OLDS or community sewage system.
  - E. To construct any improvements upon, grade, or take any other action which will render a replacement location unsuitable for installation of an OLDS or community sewage system unless the Sewage Enforcement Officer has approved an alternate replacement location in accordance with §§308 and 310 of this Part.
  - F. To place false information on or omit relevant information from an application for a permit.
  - G. To occupy or permit the occupancy of any structure served by an OLDS for which a valid permit has not been obtained as required by this Part.
  - H. To occupy or permit the occupancy of any structure served by a community sewage system for which a valid permit has not been obtained as required by this Part.
  - I. To commence any soil fracturing operations or use of the terra lift procedure without providing the Sewage Enforcement Officer with written notification required pursuant to §314 of this Part.
  - J. To fail to comply with any other provision of this Part.
2. Any person who violates or permits the violation of any provision of this Part; or who shall use, maintain or alter an OLDS or community sewage system in violation of any permit issued by the Sewage Enforcement Officer; or who shall fail to remedy or who shall negligently or improperly remedy any health hazard; or who shall fail to completely implement a plan to remedy a health hazard which has been reviewed and approved by the Sewage Enforcement Officer commits a summary offense and upon conviction therefor shall be subject to fines and penalties as follows:
- A. For a first offense by a person taking action or failing to take action on his or her own property, not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, plus costs of prosecution.

- B. For a first offense by any person where the violation is located on or is committed upon the property of another person, a fine of not less than Two Hundred (\$200.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, plus costs of prosecution.
- C. For any offense by any person who is a certified sewage enforcement officer, a fine of not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, plus costs of prosecution.
- D. For any second offense, a fine of not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, plus costs of prosecution.
- E. For any third or subsequent offense, a fine of not less than Seven Hundred Fifty (\$750.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, plus costs of prosecution.

All fines and penalties may be collected as provided by law. All fines and penalties collected for violation of this Part shall be paid over to the Township Treasurer. Each day that a violation continues and each section of this Part which is violated constitutes a separate violation.

### **§323. REMEDIES.**

In case any improvement is constructed or any lot maintained in violation of this Part, or any OLDS or community sewage system is installed, repaired, altered or modified prior to obtaining a permit as required by this Part or in a manner which does not comply with such permit, or any OLDS or community sewage system is not properly maintained or the malfunction of any OLDS or community sewage system is not reported to the Township, in addition to the other remedies provided by law, the Township may commence any appropriate action or proceedings in equity to prevent such unlawful construction of improvements or such unlawful maintenance of such lot or the continued use of such OLDS or community sewage system.

### **§324. DECLARATION OF NUISANCE.**

The following activities are hereby declared to be nuisances:

1. Construction of improvements on the Replacement Location. Such construction renders the Replacement Location useless and therefore jeopardizes the water quality and other natural resources of the Township. This harm to the water quality and other natural resources of the Township is a danger to the health, safety and welfare of the residents of the Township and is hereby declared to be a nuisance and abatable as such in accordance with the provisions of the Second Class Township Code.
2. Installation, alteration or modification of an OLDS or community sewage system without having obtained a permit as required by this Part and the regulations of the Department, or,

if a permit was obtained, in a manner which violates the terms of the permit.

3. Failure to maintain an OLDS or community sewage system as required by this Part.

All of these actions result in pollution of the waters of the Commonwealth and other natural resources of the Township and constitute a danger to the health, safety and welfare of Township residents. The actual expenses of the Township in the abatement of such nuisances plus a penalty in the amount of twenty-five (25%) percent of such expenses shall be filed as a municipal claim against the property.

### **§325. WAIVER OF LIABILITY.**

Although this Part is intended to provide guidelines for the installation and maintenance of OLDS and community sewage systems and the identification and maintenance of a replacement location for OLDS, nothing contained herein shall be interpreted as a guarantee or warranty to applicants or other Township residents that systems installed under the provisions of this Part will function as intended. The Township assumes no responsibility for the location and/or maintenance of OLDS or community sewage systems within the Township.

### **§326. APPEALS.**

Appeals from any action of the Sewage Enforcement Officer under this Part shall be made in writing to the Board of Supervisors within fifteen (15) days from the date of the written determination of the Sewage Enforcement Officer. All appeals shall be accompanied by the appeal fee established by resolution or ordinance of the Board of Supervisors.

1. The written appeal shall specify the precise action from which the appeal is taken and shall set forth in concise terms the reason for the appeal and any legal authorities supporting the appeal period.
2. If the appellant desires a hearing before the Board, the appellant must request a hearing in the written appeal.
3. If a hearing is requested in writing, the Board shall conduct the hearing at a regular or special public meeting which occurs not less than fourteen (14) days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of the Local Agency Law, 2 Pa. C.S. §551 et seq.
4. The Board shall render a decision on the appeal in accordance with the provisions of the Local Agency Law.

### **§327. CONTINUATION OF PRIOR REGULATIONS.**

Except as otherwise required by law, this Part is intended as a continuation of, and not a repeal of,

existing regulations governing the subject matter. To the extent that this Part restates regulations contained in ordinances previously enacted by the Board of Supervisors, this Part shall be considered a restatement and not a repeal of such regulations. It is the specific intent of the Board that all provisions of this Part shall be considered in full force and effect as of the date such regulations were initially enacted.

Section 2. All other sections, parts and provisions of the Code of Ordinances of the Township of Warwick shall remain in full force and effect as previously enacted and amended.

Section 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 4. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Warwick as provided by law.

DULY ORDAINED AND ENACTED this 18th day of January, 2006, by the Board of Supervisors of the Township of Warwick, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WARWICK  
Lancaster County, Pennsylvania

Attest: \_\_\_\_\_  
(Assistant) Secretary

By: \_\_\_\_\_  
(Vice) Chairman  
Board of Supervisors

[TOWNSHIP SEAL]